

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Gloria L. McCutcheon, Regional Director

Waukesha Service Center
141 NW Barstow Road Room 180
Waukesha, Wisconsin 53188
Telephone (262) 574-2147
FAX (262) 574-2128

March 16, 2010

File Ref: FID 241384000
Milwaukee
HW /CME

Kandylee Schmit
Badger Disposal of WI Inc
5611 W Hemlock St
Milwaukee, WI 53223 4711

Subject: Treatment Storage & Disposal Inspection at Badger Disposal of WI Inc

Dear Kandylee:

On March 2, 2010, the Department conducted a treatment storage & disposal inspection at Badger Disposal Of WI Inc located at 5611 W Hemlock St, Milwaukee, Wisconsin. A copy of the completed inspection form is enclosed.

At the time of the inspection the Department found no evidence of noncompliance with the hazardous waste requirements stated in Chapters NR 660 to 679, Wisconsin Administrative Code and/or the conditions of the August 7, 2007 operating license or plan approval and all subsequent modifications.

If you have any questions or comments, please feel free to contact me at (262) 574-2147.

Thank you for your cooperation.

Sincerely,

John Schwabe CHMM, PS
Waste Management Specialist

cc: SE Facility File-SER/WSC
Frank Schultz-SER/HQ
Sandy Miller-NER/SBSC



GENERAL INFORMATION

5611 W. Hemlock St. Milwaukee, WI 53223
866-271-0961 • 414-760-9175 • Fax: 414-760-9189 • www.badgerdisposal.com

1

DESCRIPTION

FEATURES

BENEFITS

2

CERTIFICATE OF INSURANCE

PERMITS

CLOSURE

3

ACCEPTABLE WASTE CODES

4

SERVICE AGREEMENT

5

TREATMENT FACILITIES UTILIZED

REFERENCES



FACILITY DESCRIPTION

Badger Disposal of WI., Inc. is fully permitted by the Wisconsin Department of Natural Resources and EPA as a Hazardous Waste Storage and Transfer facility located on the North West side of Milwaukee, WI. We service customers primarily from Wisconsin, Minnesota, Illinois and Iowa with an emphasis on liability and safety to our customers in the handling of their Hazardous Waste. We have a staff of professionals second to none along with an entirely secured and fenced facility, a 24 hour surveillance system, explosion proof lighting and heating system, a foam fire suppression system and a WIDNR certified laboratory.

Testing and compatibility procedures are completed before any wastes are transferred or bulked to assure safe handling of waste. Each container is entered into our computer data bank and tracked into designated storage areas. Containers are tracked to final recycling/treatment facilities for your protection as well as ours. Most wastes received at our facility are organic wastes for Fuel Blending. They are blended together to specific specifications to be used as fuel in Cement Kilns. This regulated procedure is conducted inside our facility which has a chemical impervious coating as well as providing containment should there be any equipment failures. We do this to protect the environment and our customers.

We also accept a wide range of inorganic waste such as acids, bases, plating wastes, F006, F019, heavy metal bearing waste, cyanides, oxidizers, lab packs, compressed gas cylinders and pcb's. If you need transportation we have a fleet of trucks to ensure fast, courteous professional service from one drum pickup to tanker quantities. If you need to do a lab pack/plant clean out we have a full staff of field service personnel with the experience and knowledge to perform packaging, profiling and transporting all of your wastes.

We look forward to having you tour our facility and meeting our staff. From all of us at Badger Disposal, we look forward to working with you.

Badger Disposals Wisconsin DNR contact is: Sandy Miller (920) 746-2884.



FEATURES

Reverse Distribution Model

Local Service

Quick Approvals

Best Customer Service

Local Company

One Stop Shopping

BENEFITS

Cost Savings – Materials received at Badger are bulked or consolidated into truckload quantities and sent to the best and most cost effective outlets.

Responsiveness – We can quickly schedule and have your order placed in less than a week. Even faster if your needs are pressing.

Rapid Turnaround – Gets waste materials off your site quickly avoiding the potential for accidents.

Experience – Long term industry people. We can best answer your questions, assist with options. Over 10 years of experience AVERAGE in our staff.

Local Care - We are a Wisconsin company doing business in Wisconsin. We are interested in the future of our state the same way that you are.

Our Network – We have a network of transporters, field service and construction companies, and nationwide outlets to meet all of your environmental needs.

ACORD CERTIFICATE OF LIABILITY INSURANCE		OP ID: HC BADGE06	DATE (MM/DD/YYYY) 05/03/10
PRODUCER Robertson Ryan & Assoc., Inc. 100 Plaza East, Suite 650 330 East Kilbourn Avenue Milwaukee WI 53202 Phone: 414-271-3575 Fax: 414-271-0196		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED Badger Disposal of WI, Inc. Henry Krier 5611 W. Hemlock Street Milwaukee WI 53223		INSURERS AFFORDING COVERAGE INSURER A: Illinois Union Insurance Co. INSURER B: Zurich American Ins Co INSURER C: EMPLOYERS MUTUAL COMPANIES INSURER D: INSURER E:	NAIC #

COVERAGES

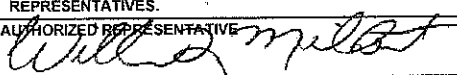
THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
INSR	ADD'L LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		GENERAL LIABILITY				EACH OCCURRENCE \$ 2000000
		<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	G24129123001	05/01/10	05/01/13	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50000
		<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 5000
		EIL/POLLUTION	G24129081001	05/01/10	05/01/13	PERSONAL & ADV INJURY \$ 2000000
		CLAIMS MADE	POLLUTION AGGREGATE-\$6MIL			GENERAL AGGREGATE \$ 2000000
		GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG \$ 2000000
		<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				Pollution 3000000
B		AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident) \$ 1000000
		<input type="checkbox"/> ANY AUTO	TRK9451051	11/01/09	11/01/10	BODILY INJURY (Per person) \$
		<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
		<input checked="" type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
		<input checked="" type="checkbox"/> HIRED AUTOS				
		<input checked="" type="checkbox"/> NON-OWNED AUTOS				
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
		<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC \$
						AUTO ONLY: AGG \$
		EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE \$
		<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$
		<input type="checkbox"/> DEDUCTIBLE				\$
		RETENTION \$				\$
C		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	2H8330111	01/20/10	01/20/11	WC STATU-TORY LIMITS <input checked="" type="checkbox"/> OTH-ER
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT \$ 2000000
		If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE \$ 2000000
		OTHER				E.L. DISEASE - POLICY LIMIT \$ 2000000

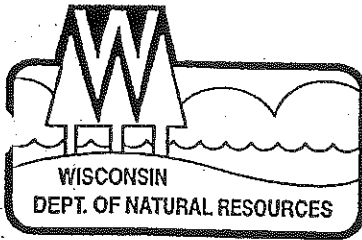
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

CERTIFICATE HOLDER

Badger Disposal of WI, Inc. for informational purposes only

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE 
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State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TTY 414-263-8713

August 1, 2007

Mr. Henry Krier
Badger Disposal of Wisconsin, Inc.
5611 West Hemlock Street
Milwaukee, WI 53223

File Ref: FID# 241384000
HW/LIC

Subject: Renewal of License # 6026 for Storage of Hazardous Waste in Containers
Issuance of License # 4395 for Treatment of Hazardous Waste in Containers
Badger Disposal of Wisconsin, Inc.
EPA ID# WID988580056

Dear Mr. Krier:

With the issuance of this letter, the Wisconsin Department of Natural Resources is confirming that the relicensing of the Badger Disposal of Wisconsin, Inc. hazardous waste container storage unit, license number 6026, is complete. On July 24, 2007, a notice of intent to license was published in the Wisconsin State Journal and the Milwaukee Journal Sentinel.

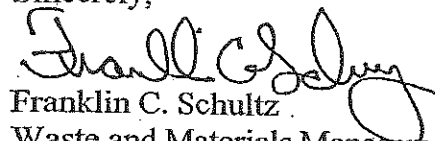
The Department is also issuing a new license # 4395 for hazardous waste treatment in containers. This license replaces the conditional approval for legitimate recycling exemption issued by the Department on August 23, 1996 and the temporary authorization issued by the Department on February 13, 2007. The hazardous waste treatment license allows fuel blending in a 6,000 gallon tanker truck. As stated in condition #18 of the June 29, 2007 Feasibility and Plan of Operation Report approval, the 6,000 gallons counts toward the maximum storage capacity of 39,600 gallons of hazardous waste.

Hazardous waste licenses are issued and regulated under the provisions of chs. NR 660-670, Wis. Adm. Code. The hazardous waste licenses require compliance with chs. NR 660-670, Wis. Adm. Code, the feasibility and plan of operation report, the June 29, 2007 feasibility and plan of operation report conditional approval, and all subsequent plan modifications issued by the WDNR.

You may continue to apply for renewal of the license annually, for a period of up to ten (10) years from August 1, 2007, the official date of the re-issued operating license (August 1, 2007 + 10 years = August 1, 2017). If you plan to continue to operate the licensed units at this facility following the end of the ten year period, you are required to submit all reports and plans necessary for re-issuance of the revised operating licenses at least 180 days prior to the 10-year anniversary of the revised operating licenses. To facilitate timely re-issuance, submission of the necessary reports and plans at least one year prior to the 10-year expiration date is recommended.

If you have any questions or concerns, please contact Sandy Miller at 920-746-2884, or sandy.miller@wisconsin.gov or contact me at 414-263-8694, or frank.schultz@wisconsin.gov.

Sincerely,



Franklin C. Schultz
Waste and Materials Management Manager
Southeast Region

cc: Pat Chabot/Dave Kollasch - WA/3
Wen Huang - U.S. EPA Region 5
SER HW/LIC File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

August 2, 2007

D-8J

RE: Badger Disposal of Wisconsin, Inc.
Milwaukee, Wisconsin
WID 988 580 056

Dear Sir/Madam:

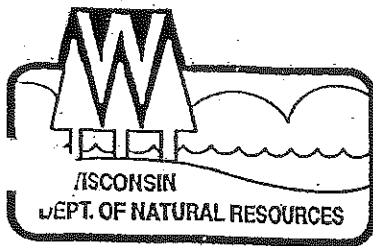
On August 1, 2007, the United States Environmental Protection Agency (U.S. EPA), Region 5, issued the Federal portion of a Resource Conservation and Recovery Act (RCRA) Permit for the above-referenced facility. When both this portion of the permit and the State of Wisconsin's portion of the license become effective, Badger Disposal of Wisconsin, Inc. will have an effective RCRA permit.

This letter transmits the enclosed Response to Comments generated as a result of the public notice for the draft permit. This Response to Comments was prepared by the U.S. EPA and sent to interested parties.

I have made the final decision to issue the Federal portion of the RCRA permit for this facility located in Milwaukee, Wisconsin. Unless review is requested under Title 40 of the Code of Federal Regulations (40 CFR) §124.19, the Federal portion of the RCRA permit becomes effective on August 1, 2007.

Appeal to the Federal RCRA permit is described in 40 CFR §124.19. The administrative appeal procedures must be completed prior to any action seeking judicial review. All original documents are to be signed in blue ink with five (5) copies marked as such. The petition for review must be received by U.S. EPA in Washington D.C., via U.S. Postal Service at the address indicated below within 33 days after service of notice of the final decision.

United States Environmental Protection Agency
Clerk of the Board, Environmental Appeal Board (MC-1103B)
Ariel Rio Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TTY 414-263-8713

June 29, 2007

Mr. Henry Krier
Badger Disposal of Wisconsin, Inc.
5611 West Hemlock Street
Milwaukee, WI 53223

FID# 241384000
HW/APP

SUBJECT: Final Determination to Conditionally Approve a
Feasibility and Plan of Operation Report for a
Hazardous Waste Treatment and Storage Facility at
Badger Disposal of Wisconsin, Inc., WI, EPA ID# WID 988580056
5611 West Hemlock Street in Milwaukee, Wisconsin

Dear Mr. Krier:

The Department of Natural Resources has reviewed the Feasibility and Plan of Operation Report (FPOR) and subsequent submittals for Badger Disposal of Wisconsin, Inc. located at 5611 West Hemlock Street in Milwaukee, Wisconsin. The FPOR was prepared by Badger Disposal of Wisconsin, Inc. (Badger Disposal) and their consultant, Spectrum Engineering, Inc. A preliminary determination to conditionally approve the FPOR was issued by the Department on February 28, 2007. The final approval of the FPOR is enclosed. In addition, this letter confirms that the Department has determined that no environmental impact statement is required, the wetlands water quality standards of ch. NR 103, Wis. Adm. Code, have been met and the needs requirements of s. 289.28 have been met.

The Department received written comments as a result of the public comment period regarding the preliminary determination to conditional approve the FPOR. The Department's response to the public comments is enclosed.

Please review the conditions in the enclosed final determination carefully. The following changes were made to the preliminary determination to clarify the requirements of the conditions or correct errors:

1. Condition #9 requiring Badger Disposal to send a copy of the FPOR to the library and affected municipalities has been deleted since it applied to the preliminary determination rather than the final determination.
2. Condition #10 has been revised to clarify that trucks cannot park on the public road overnight or on weekends.
3. Condition #11 has been revised to require Badger Disposal to ensure that the integrity of the fence not on their property is maintained.

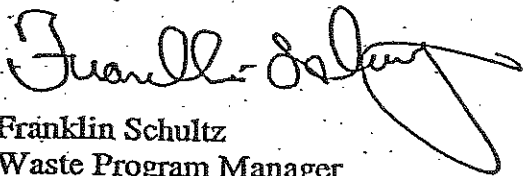
4. Condition #17, which stated the same corrective action requirement as condition #6, now requires Badger Disposal to re-submit the Part A within 60 days of this final determination. The condition requires the Part A to be revised to include the T04 treatment code for the current fuel blending operations in a tanker truck.
5. Condition #22 has been revised to require a compatibility determination by the mixing of samples of wastes that are to be commingled during blending or bulking operations rather than blending or storage operations.
6. Condition #41, paragraph c. has been reworded to state that any modification request resulting from the construction of new units be in accordance with the requirements in s. NR 670.042, Wis. Adm. Code.

Based on information provided in the FPOR and subsequent submittals, it is the Department's determination that Badger Disposal will allow satisfactory hazardous waste treatment and storage of hazardous waste, provided the facility complies with the Feasibility and Plan of Operation Report, the conditions of the approval and chapters NR 660 to NR 670, Wis. Adm. Code. Note that the Department retains jurisdiction to either require the submittal of additional information or to modify this approval at any time if, in the Department's opinion, conditions warrant further modifications.

As required by NR 670.415(2), Wis. Adm. Code, the Department will publish the attached notice of intent to issue an operating license in the Milwaukee Journal Sentinel and Wisconsin State Journal on July 24, 2007. Section NR 670.415(3), Wis. Adm. Code, requires the Department to re-issue the operating license within 30 days of publishing the notice or refund the operating license review fee.

If you have any questions or concerns, please contact me at (414) 263-8694 or Sandy Miller at (920) 746-2884.

Sincerely,



Franklin Schultz
Waste Program Manager
South East Region

Attachments – Final FPOR Determination
Department response to comments
Public notice of intent to re-issue the license

cc: Don Gallo – Reinhart, Boerner, Van Deuren
Pete Flaherty - LS/5
Pat Chabot/Dave Kollasch - WA/3
Wen Huang - U.S. EPA Region 5

BEFORE THE STATE OF WISCONSIN
NOTICE OF INTENT TO RE-ISSUE A HAZARDOUS WASTE
OPERATING LICENSE TO
BADGER DISPOSAL OF WISCONSIN, INC. FOR A
HAZARDOUS WASTE STORAGE AND TREATMENT FACILITY
EPA ID#: WID988580056

NOTICE IS HEREBY GIVEN, pursuant to s. NR 670.415(2), Wisconsin Administrative Code, that the Department of Natural Resources (Department) intends to re-issue the hazardous waste operating license for a hazardous waste storage facility at Badger Disposal of Wisconsin, Inc. (Badger Disposal) located at 5611 West Hemlock Street in Milwaukee, Wisconsin. Badger Disposal also fuel blends hazardous waste, which was previously approved by the Department as a recycling exemption, but is now subject to the treatment facility licensing requirements due to a change in Wisconsin's hazardous waste rules. Therefore, Badger Disposal will also receive a treatment license for the same fuel blending activities previously allowed by the Department recycling exemption approval. Badger Disposal is not changing their waste management activities; rather, the Department is changing administrative authority to regulate the fuel blending activity.

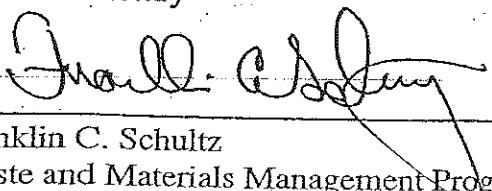
The Department made a preliminary determination to conditionally approve the Feasibility and Plan of Operation Report for the continued operation of the storage and treatment facility on February 28, 2007. Some revisions were made to the preliminary determination as a result of comments received during the public comment period. The Department made a final determination to conditionally approve the Feasibility and Plan of Operation Report on June 29, 2007. If operated in conformance with the approval, the storage and treatment facility is expected to be in compliance with the applicable hazardous waste rules and therefore, the license can be re-issued.

The license re-issuance is for the storage of 69,795 gallons of hazardous waste in containers and 61,000 gallons of hazardous waste in tanks. Fuel blending activities are currently conducted by pumping waste from containers into a tanker truck. Badger Disposal proposes to construct a 2,000 gallon fuel blending tank which will supply waste to the hazardous waste storage tanks.

The U.S. Environmental Protection Agency will issue a permit to Badger Disposal to address the storage and treatment of certain waste types, land disposal restriction requirements and applicable organic air emissions from the hazardous waste storage and treatment units.

Dated at Milwaukee, Wisconsin June 29, 2007

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
for the Secretary



Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

LR-8J

16 JAN 2008

Kandylee Schmit, Compliance Officer
Badger Disposal of WI, Inc
5611 West Hemlock Street
Milwaukee, Wisconsin 53223

Re: Off-Site Rule Acceptability Determination
Badger Disposal of WI, Inc.
WID 988 580 056

Dear Ms. Schmit:

This letter is follow up to my letter of August 13, 2007 regarding the Badger Disposal of WI, Inc. request for Off-Site rule acceptability. In that letter, my staff inadvertently failed to correctly identify the type of waste your facility is permitted to handle. This letter is a correction of and a replacement for the letter of August 13, 2007.

Pursuant to 40 C.F.R. § 300.440 (b), my staff has determined that no relevant violations or releases currently exist at Badger Disposal of WI, Inc. Therefore, Badger Disposal of WI, Inc. located at 5611 West Hemlock Street is acceptable to receive wastes regulated by 40 CFR § 300.440 (the CERCLA Off-Site rule).

This acceptability determination is based on the assumption that only wastes which comply with the permits issued to Badger Disposal of WI, Inc. will be accepted. It is your responsibility to review any proposed waste streams for compliance with the permits for your facility.

Please note that this determination is based on the available information at the time of the review. Your status could be changed any time relevant information becomes available according to the procedures in 40 C.F.R. § 300.440 (d). Generators who need to use a currently acceptable facility should verify the current acceptability of any facilities they wish to use with the appropriate Regional Off-Site Rule Contact(s).

If you have questions, please contact Mr. Damico at (312) 353-8207, United States Environmental Protection Agency, Region 5 – LR-8J, 77 W. Jackson Boulevard, Chicago, Illinois 60604.

Sincerely,

Willie H. Harris, P.E.
Chief, RCRA Branch
Land & Chemicals Division

cc: Sandra J. Miller, Wisconsin Department of Natural Resources



U.S. Department
of
Transportation

**Federal Motor
Carrier Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590

April 2, 2010

In reply refer to:
USDOT No.: 1432423

KANDY LEE SCHMIDT
COMPLIANCE OFFICER
BADGER DISPOSAL OF WI INC
5611 WEST HEMLOCK STREET
MILWAUKEE, WI 53223

Safety Audit Pass

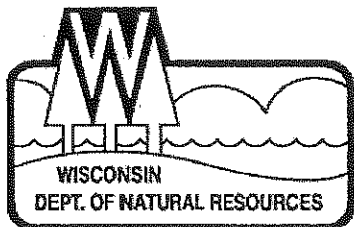
This letter is to inform you that, based on the results of the safety audit conducted recently on BADGER DISPOSAL OF WI INC, the Federal Motor Carrier Safety Administration (FMCSA) has determined that BADGER DISPOSAL OF WI INC may continue to operate in interstate commerce within the United States.

You are reminded that as a new entrant motor carrier FMCSA will continue to monitor and evaluate BADGER DISPOSAL OF WI INC's safety management practices and on-road performance to ensure BADGER DISPOSAL OF WI INC is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). BADGER DISPOSAL OF WI INC may be granted permanent registration no earlier than 18 months from the date its USDOT New Entrant registration was originally granted. Failure to comply with applicable requirements may result in the revocation of BADGER DISPOSAL OF WI INC's USDOT New Entrant or permanent registration.

If you have any questions concerning your New Entrant Status, please call your division office number (608) 662-2010.

Sincerely,

John Van Steenburg, Director, Office of
Enforcement and Compliance



**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
HAZARDOUS WASTE FACILITY LICENSE**

AUTHORIZED CONTACT:

HENRY J KRIER, PRESIDENT
BADGER DISPOSAL OF WI INC
5611 W HEMLOCK ST
MILWAUKEE, WI 53223

LICENSE NO: 6026
TYPE OF FACILITY: Hazardous Waste Storage -
Container
EFFECTIVE DATE: October 1, 2009
DATE OF EXPIRATION: September 30, 2010

U.S. EPA I.D. NUMBER: WID988580056

LICENSEE: BADGER DISPOSAL OF WI INC

NAME OF FACILITY: BADGER DISPOSAL OF WI INC

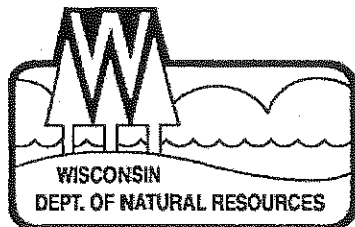
LOCATION OF FACILITY:

5611 W HEMLOCK ST MILWAUKEE WIS
MILWAUKEE COUNTY, STATE OF WISCONSIN

THIS LICENSE IS SUBJECT TO AND CONDITIONED UPON COMPLIANCE WITH THE
LICENSEE'S FEASIBILITY DETERMINATION AND PLAN OF OPERATION APPROVAL
AND ALL SUBSEQUENT PLAN APPROVAL MODIFICATIONS.

WASTE TYPES ARE LIMITED TO THOSE LISTED ON THE PART-A APPLICATION.

This license authorizes the licensee to operate the hazardous waste facility described above during the term hereof except as modified by the Department. This license is subject to and conditioned upon compliance with chapter 291, Wis. Stats., and chapters NR 660-679, Wis. Adm. Code (hazardous waste), any plan approval and modifications thereof, and any special order and modifications thereof issued by the Department. Any exemptions from the requirements of chapters NR 660-679, Wis. Adm. Code, issued for the facility are listed above and on attached documents.



**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
HAZARDOUS WASTE FACILITY LICENSE**

AUTHORIZED CONTACT:

HENRY KRIER, PRESIDENT
BADGER DISPOSAL OF WI INC
5611 W HEMLOCK ST
MILWAUKEE, WI 53223

LICENSE NO: 4395
TYPE OF FACILITY: HW Treatment - Container
Commercial
EFFECTIVE DATE: October 1, 2009
DATE OF EXPIRATION: September 30, 2010

U.S. EPA I.D. NUMBER: WID988580056

LICENSEE: BADGER DISPOSAL OF WI INC

NAME OF FACILITY: BADGER DISPOSAL OF WI INC

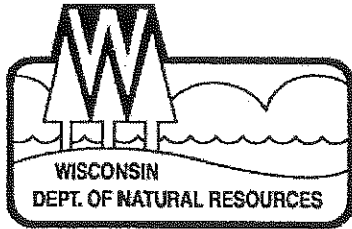
LOCATION OF FACILITY:

5611 W HEMLOCK ST MILWAUKEE WIS
MILWAUKEE COUNTY, STATE OF WISCONSIN

THIS LICENSE IS SUBJECT TO AND CONDITIONED UPON COMPLIANCE WITH THE
LICENSEE'S FEASIBILITY DETERMINATION AND PLAN OF OPERATION APPROVAL
AND ALL SUBSEQUENT PLAN APPROVAL MODIFICATIONS.

WASTE TYPES ARE LIMITED TO THOSE LISTED ON THE PART-A APPLICATION.

This license authorizes the licensee to operate the hazardous waste facility described above during the term hereof except as modified by the Department. This license is subject to and conditioned upon compliance with chapter 291, Wis. Stats., and chapters NR 660-679, Wis. Adm. Code (hazardous waste), any plan approval and modifications thereof, and any special order and modifications thereof issued by the Department. Any exemptions from the requirements of chapters NR 660-679, Wis. Adm. Code, issued for the facility are listed above and on attached documents.



**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
SOLID WASTE FACILITY OPERATION LICENSE**

AUTHORIZED CONTACT:

HENRY J KRIER - PRESIDENT
BADGER DISPOSAL OF WI INC
5611 W HEMLOCK ST
MILWAUKEE, WI 53223

LICENSE NO: 3386
TYPE OF FACILITY: Solid Waste Transfer Facility -
Small
EFFECTIVE DATE: October 1, 2009
DATE OF EXPIRATION: September 30, 2010

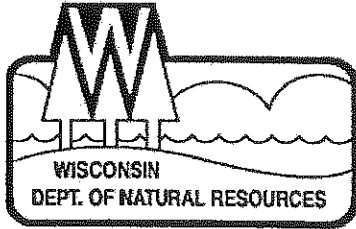
LICENSEE: BADGER DISPOSAL OF WI INC

NAME OF FACILITY: BADGER DISPOSAL OF WI INC

LOCATION OF FACILITY:

5611 W HEMLOCK ST MILWAUKEE WIS
MILWAUKEE COUNTY, STATE OF WISCONSIN

This license authorizes the licensee to operate the solid waste facility described above during the term hereof except as modified by the Department. This license is subject to and conditioned upon compliance with the provisions of chapter 289, Wis. Stats., and chapters NR 500-590, Wis. Adm. Code, any plan approval and modifications thereof, and any special order and modifications thereof issued by the Department. Any exemptions from the requirements of chapters NR 500-590, Wis. Adm. Code, issued for the facility are listed above.



**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
TRANSPORTATION SERVICE LICENSE**

AUTHORIZED CONTACT:

HENRY J KRIER, PRESIDENT
BADGER DISPOSAL OF WI INC
5611 W HEMLOCK ST
MILWAUKEE, WI 53223

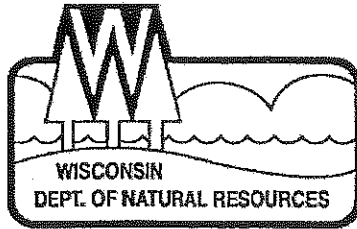
LICENSE NO: 14579
TYPE OF FACILITY: Solid Waste Transporter
EFFECTIVE DATE: October 1, 2009
DATE OF EXPIRATION: September 30, 2010

LICENSEE: BADGER DISPOSAL OF WI INC

NAME OF OPERATION: BADGER DISPOSAL OF WI INC

LOCATION OF OPERATION:
5611 W HEMLOCK ST MILWAUKEE WIS
MILWAUKEE COUNTY, STATE OF WISCONSIN

This license authorizes the licensee to operate the transportation service described above during the term specified, and is subject to and conditioned upon compliance with the provisions of chapter 287, and 289, Wis. Stats., and chapters NR 500-590, Wis. Adm. Code. Any exemptions from the requirements of chapters NR 500-590, Wis. Adm. Code, issued for this service are listed above.



**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
HAZARDOUS WASTE TRANSPORT SERVICE LICENSE**

AUTHORIZED CONTACT:

HENRY J KRIER, PRESIDENT
BADGER DISPOSAL OF WI INC
5611 W HEMLOCK ST
MILWAUKEE, WI 53223

LICENSE NO: 12685
TYPE OF FACILITY: HW Transporter-PCB-Full
Service Contractor
EFFECTIVE DATE: October 1, 2009
DATE OF EXPIRATION: September 30, 2010

U.S. EPA I.D. NUMBER: WID988580056

LICENSEE: BADGER DISPOSAL OF WI INC

NAME OF OPERATION: BADGER DISPOSAL OF WI INC

LOCATION OF OPERATION:

5611 W HEMLOCK ST MILWAUKEE WIS
MILWAUKEE COUNTY, STATE OF WISCONSIN

This license authorizes the licensee to operate the transport service described above during the term hereof except as modified by the Department. This license is subject to and conditioned on compliance with the provisions of chapters 291 and 292, Wis. Stats., all applicable hazardous waste requirements of chapters NR 660 to 679, Wis. Adm. Code, and the equipment operator qualifications in the U.S. Department of Transportation regulations in 49 CFR 177.816.

The Department may modify or revoke the license during its term, or its issuance or renewal may be denied for grievous and continuous failure of the licensee or equipment operator to comply with the provisions of chapters 291 and 292, Wis. Stats., or the applicable requirements of chapters NR 113, 204 or 660 to 679. This license does not convey any property rights of any sort, or any exclusive privileges. This license does not authorize entry or trespass upon the property of any person.



IRREVOCABLE LETTER OF CREDIT FOR CLOSURE (1143-H)

Dear Secretary, Department of Natural Resources:

We hereby establish our Irrevocable Letter of Credit No. 1143-H in favor of the State of Wisconsin Department of Natural Resources as beneficiary, at the request and for the account of Badger Disposal of WI, Inc., 5611 West Hemlock Street, Milwaukee, WI 53223 as customer, up to the aggregate amount of \$215,000.00 available upon presentation of:

1. A sight draft, bearing reference to this letter of credit no. 1143-H together with
2. A signed statement declaring that the amount of the draft is payable pursuant to regulations issued under the authority of section 289.41, Wisconsin Statutes, as amended.

Whereas the customer owns a solid waste land disposal facility named Badger Disposal of WI, Inc. located in the City of Milwaukee, Milwaukee County, Wisconsin, and that the facility is subject to the closure requirements of the plan of operation approval issued by the beneficiary, dated the 3rd day of July, 2003, and any amendments thereto.

This Letter of Credit is written to provide proof of financial responsibility pursuant to section 289.41, Wisconsin Statutes, and section NR 520.05, Wisconsin Administrative Code, as amended, to ensure compliance with the closure requirements of the plan of operation approval, and any amendments thereto, and shall inure to the benefit of the beneficiary.

This letter of credit is effective on December 2, 2009 and shall expire on December 5, 2010, except that this Letter of Credit shall automatically renew on the termination date for a term of one year and annually thereafter on each successive termination date until all of the closure requirements have been completed, unless we elect to cancel this Letter of Credit. In the event we wish to cancel this Letter of Credit, we shall provide notice in writing of our intent to cancel to the beneficiary by registered or certified mail not less than 90 days prior to the end of the term of this Letter of Credit. Unless the customer delivers to the beneficiary a replacement Letter of Credit or other acceptable proof of financial responsibility under section 289.41, Wisconsin Statutes, we will pay to the beneficiary the unused balance of this Letter of Credit on the termination date.

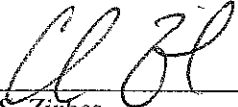
Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we will duly honor such draft upon presentation to us.



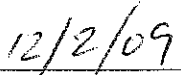
All or any part of this Letter of Credit may be drawn upon by the beneficiary, upon written request of the Secretary of the beneficiary, and in accordance with section NR 520.06, Wisconsin Administrative Code, as amended, to be used to carry out the closure requirements of the plan of operation approval, and any amendments thereto, if the customer or any successor in interest fails to do so.

I hereby certify that I am authorized to execute this Letter of Credit on behalf of Town Bank, 850 W. North Shore Drive, Hartland, WI 53029, a bank or financial institution located within the State of Wisconsin, which is examined and regulated by the state or a federal agency.

Sincerely;



Christopher S. Zirbes
Vice President



(Date signed)

This credit is subject to the Wisconsin Uniform Commercial Code and the uniform Customs and Practice for Documentary Credits as most recently published by the International Chamber of Commerce. In the event of inconsistency, the Wisconsin Uniform Commercial Code shall apply.



SEND COMPLETED FORM TO: The Appropriate State or EPA Regional Office.	United States Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION FORM		
1. Reason for Submittal (See instructions on page 14.) MARK ALL BOX(ES) THAT APPLY	Reason for Submittal: <input type="checkbox"/> To provide Initial Notification of Regulated Waste Activity (to obtain an EPA ID Number for hazardous waste, universal waste, or used oil activities) <input type="checkbox"/> To provide Subsequent Notification of Regulated Waste Activity (to update site identification information) <input type="checkbox"/> As a component of a First RCRA Hazardous Waste Part A Permit Application <input checked="" type="checkbox"/> As a component of a Revised RCRA Hazardous Waste Part A Permit Application (Amendment # <u>2</u>) <input type="checkbox"/> As a component of the Hazardous Waste Report		
2. Site EPA ID Number (page 15)	EPA ID Number <div style="border: 1px solid black; padding: 2px; display: inline-block;"> W I D 9 8 8 5 8 0 0 5 6 </div>		
3. Site Name (page 15)	Name: Badger Disposal of WI., Inc.		
4. Site Location Information (page 15)	Street Address: 5611 West Hemlock Street		
	City, Town, or Village: Milwaukee	State: WI	
	County Name: Milwaukee	Zip Code: 53223	
5. Site Land Type (page 15)	Site Land Type: <input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other		
6. North American Industry Classification System (NAICS) Code(s) for the Site (page 15)	A. <div style="border: 1px solid black; padding: 2px; display: inline-block;"> 2 6 2 1 1 2 </div>	B. <div style="border: 1px solid black; padding: 2px; display: inline-block;"> </div>	
	C. <div style="border: 1px solid black; padding: 2px; display: inline-block;"> </div>	D. <div style="border: 1px solid black; padding: 2px; display: inline-block;"> </div>	
7. Site Mailing Address (page 16)	Street or P.O. Box: 5611 West Hemlock Street		
	City, Town, or Village: Milwaukee		
	State: Wisconsin		
	Country: USA	Zip Code: 53223	
8. Site Contact Person (page 16)	First Name: Henry	MI: J	Last Name: Krier
	Phone Number: 414-750-9175 Extension:		Email address:
9. Operator and Legal Owner of the Site (pages 16 and 17)	A. Name of Site's Operator: Henry J. Krier		Date Became Operator (mm/dd/yyyy): 1/31/03
	Operator Type: <input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other		
	B. Name of Site's Legal Owner: Badger Investment Realty, LLC		Date Became Owner (mm/dd/yyyy): 1/31/03
	Owner Type: <input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other		

9. Legal Owner (Continued) Address	Street or P. O. Box: 5611 West Hemlock Street	
	City, Town, or Village: Milwaukee	
	State: WI	
	Country: USA	Zip Code: 53223

10. Type of Regulated Waste Activity

Mark "Yes" or "No" for all activities; complete any additional boxes as instructed. (See instructions on pages 18 to 21.)

A. Hazardous Waste Activities

Complete all parts for 1 through 6.

Y ☒ N ☐ 1. Generator of Hazardous Waste

If "Yes", choose only one of the following - a, b, or c.

☒ a. LQG: Greater than 1,000 kg/mo (2,200 lbs./mo.)
of non-acute hazardous waste; or☐ b. SQG: 100 to 1,000 kg/mo (220 - 2,200 lbs./mo.)
of non-acute hazardous waste; or☐ c. CESQG: Less than 100 kg/mo (220 lbs./mo.)
of non-acute hazardous waste

In addition, indicate other generator activities.

Y ☐ N ☒ d. United States Importer of Hazardous WasteY ☐ N ☒ e. Mixed Waste (hazardous and radioactive) GeneratorY ☐ N ☐ 2. Transporter of Hazardous WasteY ☐ N ☐ 3. Treater, Storer, or Disposer of
Hazardous Waste (at your site) Note:
A hazardous waste permit is required for
this activity.Y ☐ N ☐ 4. Recycler of Hazardous Waste (at your
site)Y ☐ N ☐ 5. Exempt Boiler and/or Industrial
Furnace

If "Yes", mark each that applies.

☐ a. Small Quantity On-site Burner
Exemption☐ b. Smelting, Melting, and Refining
Furnace ExemptionY ☐ N ☒ 6. Underground Injection Control

B. Universal Waste Activities

Y ☐ N ☐ 1. Large Quantity Handler of Universal Waste (accumulate
5,000 kg or more) [refer to your State regulations to
determine what is regulated]. Indicate types of universal
waste generated and/or accumulated at your site. If "Yes",
mark all boxes that apply:

	Generate	Accumulate
a. Batteries	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Pesticides	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Thermostats	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Lamps	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
f. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
g. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>

Y ☐ N ☐ 2. Destination Facility for Universal Waste

Note: A hazardous waste permit may be required for this activity.

C. Used Oil Activities

Mark all boxes that apply.

Y ☐ N ☒ 1. Used Oil Transporter

If "Yes", mark each that applies.

☐ a. Transporter
☐ b. Transfer FacilityY ☐ N ☒ 2. Used Oil Processor and/or Re-refiner

If "Yes", mark each that applies.

☐ a. Processor
☐ b. Re-refinerY ☐ N ☒ 3. Off-Specification Used Oil BurnerY ☐ N ☒ 4. Used Oil Fuel Marketer

If "Yes", mark each that applies.

☐ a. Marketer Who Directs Shipment of
Off-Specification Used Oil to
Off-Specification Used Oil Burner
☐ b. Marketer Who First Claims the
Used Oil Meets the Specifications

11. Description of Hazardous Wastes (See instructions on page 22.)

A. Waste Codes for Federally Regulated Hazardous Wastes. Please list the waste codes of the Federal hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more spaces are needed.

D001	D002	D003	D004	D005	D006	D007
D008	D009	D010	D011	D012	D013	D014
D015	D016	D017	D018	D019	D020	D021

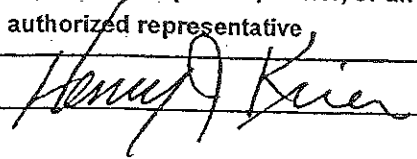
B. Waste Codes for State-Regulated (i.e., non-Federal) Hazardous Wastes. Please list the waste codes of the State-regulated hazardous wastes handled at your site. List them in the order they are presented in the regulations. Use an additional page if more spaces are needed for waste codes.

12. Comments (See instructions on page 22.)

See Attached for Additional Waste Codes

13. Certification. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

For the RCRA Hazardous Waste Part A Permit Application, all operator(s) and owner(s) must sign (see 40 CFR 270.10 (b) and 270.11). (See instructions on page 22.)

Signature of operator, owner, or an authorized representative	Name and Official Title (type or print)	Date Signed (mm/dd/yyyy)
	Henry J. Krier, President	3/3/06

Additional Waste Codes:

D022	D023	D024	D025	D026	D027	D028	D029
D030	D031	D032	D033	D034	D035	D036	D037
D038	D039	D040	D041	D042	F001	F002	F003
F004	F005	F006	F007	F008	F009	F010	F011
F012	F019	F020	F021	F022	F023	F024	F025
F026	F027	F028	F032	F034	F035	F037	F038
F039	K001	K002	K003	K004	K005	K006	K007
K008	K009	K010	K011	K013	K014	K015	K016
K017	K018	K019	K020	K021	K022	K023	K024
K025	K026	K027	K028	K029	K030	K031	K032
K033	K034	K035	K036	K037	K038	K039	K040
K041	K042	K043	K044	K045	K046	K047	K048
K049	K050	K061	K062	K064	K065	K066	K069
K071	K073	K083	K084	K085	K086	K087	K088
K090	K091	K093	K094	K095	K096	K097	K098
K099	K100	K101	K102	K103	K104	K105	K106
K107	K108	K109	K110	K111	K112	K113	K114
K115	K116	K117	K118	K123	K124	K125	K126
K131	K132	K136	K141	K142	K143	K144	K145
K147	K148	K149	K150	K151	K156	K157	K158
K159	K161	K174	K175	K169	K170	K171	K172

Additional Waste Codes Cont.

P001	P002	P003	P004	P005	P006	P007	P008
P009	P010	P011	P012	P013	P014	P015	P016
P017	P018	P020	P021	P022	P023	P024	P026
P027	P028	P029	P030	P031	P033	P034	P036
P037	P038	P039	P040	P041	P042	P043	P044
P045	P046	P047	P048	P049	P050	P051	P054
P056	P057	P058	P059	P060	P062	P063	P064
P065	P066	P067	P068	P069	P070	P071	P072
P073	P074	P075	P076	P077	P078	P081	P082
P084	P085	P087	P088	P089	P092	P093	P094
P095	P096	P097	P098	P099	P101	P102	P103
P104	P105	P106	P107	P108	P109	P110	P111
P112	P113	P114	P115	P116	P118	P119	P120
P121	P122	P123	P127	P128	P185	P188	P189
P190	P191	P192	P194	P196	P197	P198	P199
P201	P202	P203	P204	P205	U001	U002	U003
U004	U005	U006	U007	U008	U009	U010	U011
U012	U014	U015	U016	U017	U018	U019	U020
U021	U022	U023	U024	U025	U026	U027	U028
U029	U030	U031	U032	U033	U034	U035	U036
U037	U038	U039	U041	U042	U043	U044	U045
U046	U047	U048	U049	U050	U051	U052	U053

Additional Waste Codes Cont.

U055	U056	U057	U058	U059	U060	U061	U062
U063	U064	U066	U067	U068	U069	U070	U071
U072	U073	U074	U075	U076	U077	U078	U079
U080	U081	U082	U083	U084	U085	U086	U087
U088	U089	U090	U091	U092	U093	U094	U095
U096	U097	U098	U099	U100	U101	U102	U103
U105	U106	U107	U108	U109	U110	U111	U112
U113	U114	U115	U116	U117	U118	U119	U120
U121	U122	U123	U124	U125	U126	U127	U128
U129	U130	U131	U132	U133	U134	U135	U136
U137	U138	U139	U140	U141	U142	U143	U144
U145	U146	U147	U148	U149	U150	U151	U152
U153	U154	U155	U156	U157	U158	U159	U160
U161	U162	U163	U164	U165	U166	U167	U168
U169	U170	U171	U172	U173	U174	U176	U177
U178	U179	U180	U181	U182	U183	U184	U185
U186	U187	U188	U189	U190	U191	U192	U193
U194	U196	U197	U200	U201	U202	U203	U204
U205	U206	U207	U208	U209	U210	U211	U212
U213	U214	U215	U216	U217	U218	U219	U220
U221	U222	U223	U225	U226	U227	U228	U230
U231	U232	U234	U235	U236	U237	U238	U239

Waste Codes Cont.

U240 U242 U243 U244 U246 U247 U248 U249

U271 U278 U279 U280 U328 U353 U359 U364

U367 U372 U373 U387 U389 U394 U395 U404

U409



WASTE DISPOSAL SERVICE AGREEMENT

This Agreement is made as of the effective date indicated on Schedule A attached hereto by and between BADGER DISPOSAL OF WI., INC. a Wisconsin Corporation ("Contractor") and the party signing this Agreement below as the customer ("Customer").

RECITALS:

- A. Customer is in need of certain disposal services in connection with waste materials.
- B. Contractor is in the business of providing such services, and is willing to provide such services to Customer upon the terms and conditions set forth in this Agreement.

ACCORDINGLY,

In consideration of the above recitals and the mutual covenants and agreements of the parties set forth herein, Contractor and Customer agree as follows:

1. **SERVICES.** Contractor agrees to dispose of Customer's waste materials in accordance with all State and Federal Laws.
2. **PRICING AND PAYMENT.** Customer shall pay Contractor for its services in handling, transporting, processing, storage and disposal, or reclamation, of Waste Materials in accordance with the Schedule of Charges listed on signed quotations. Payment to Contractor is due thirty (30) days following the date of the invoice, including any interim invoices. Contractor shall be entitled to a service charge of 1-1/2% per month (not, however, to exceed the maximum rate permitted by law) for any unpaid balances over thirty (30) days. In the event Contractor is required to undertake collection procedures or legal action to recover any amounts due and unpaid under this Agreement, Contractor shall be entitled to recover its costs of collection, including reasonable attorney fees.
3. **TERMINATION.**
 - (a) Either party may terminate this Agreement upon 10 days prior written notice if the other party defaults by failing to comply with any term or condition hereunder, provided that Contractor may terminate this Agreement upon 24 hours prior written notice if Customer defaults by failing to make any payment hereunder when due.

SCHEDULE A

IN WITNESS WHEREOF, the parties have executed this Agreement as of the effective date indicated on Schedule A hereto.

CUSTOMER:

BADGER DISPOSAL OF WI, INC.

By: _____
Authorized Signature

By: _____
Authorized Signature

Title Date

Title Date

Address: _____

Address: 5611 West Hemlock St.

Milwaukee, WI 53223



Badger Disposal of WI, Inc.

TREATMENT FACILITIES

BADGER DISPOSAL OF WI., INC.
Milwaukee, WI
EPA ID# WID988580056

WASTE MANAGEMENT
Orchard Ridge Recycling Facility
Menomonee Falls, WI

GREEN AMERICA RECYCLING LLC
Hannibal, MO
EPA ID# MOD054018288

EQ DETROIT
Detroit, MI
EPA ID# MID980991566

CRT PROCESSING CORPORATION
Janesville, WI
EPAID# WIR000126664

**MICHIGAN DISPOSAL WASTE
TREATMENT PLANT**
Belleville, MI
EPA ID# MID000724831

ENVIRITE
Harvey, IL
EPAID#ILD000666206

**VEOLIA ENVIRONMENTAL
SERVICES, LLC**
Port Washington, WI
EPA ID# WID988566543

HERITAGE-WTI, INC.
East Liverpool, OH
EPA ID# OHD980613541

MERCURY WASTE SOLUTIONS
Union Grove, WI
EPA ID# WIR000000356

AMERICAN REF-FUEL COMPANY
Niagra Falls, NY
EPA ID# NYD986930543

CHEM WORKS
Milwaukee, WI
Non Regulated Waste Water Treatment

AGMET
Oakwood Village, OH

**VEOLIA ENVIRONMENTAL
SERVICES, LLC**
Port Arthur, TX
EPAID#TXD000838896

GREENCASTLE WDF FACILITY
Greencastle, IN
EPAID#IND006419212

STABLEX CANADA
Blainville, PQ
EPAID# NYD980756415

LONE STAR INDUSTRIES
Cape Girardeau, MO
EPAID#MOD981127319

SAFETY-KLEEN-DOLTON
Dolton, IL
EPAID#ILD980613913

ROSS INCINERATION
Grafton, OH
EPAID#OHD048415665

ESSROC
Logansport, IN
EPAID#IND005081542

VEOLIA ENVIRONMENTAL
SERVICES, LLC
Sauget, IL
EPAID#ILD098642424

WAYNE DISPOSAL, INC.
Belleville, MI
EPAID#MID048090633

ENVIRONMENTAL ENTERPRISES,
INC.
Cincinnati, OH
EPAID#OHD083377010



REFERENCES

RCRA ADVANTAGE, WI

Mr. Robert S. Juran, 888-644-1083

Printron, Neenah, WI

Mr. Gregory Kleineschay, 920725-3077

Alchemical Ventures, Inc., Brookfield, WI

Mr. Steven Welcenbach, 414-491-3421

Fontarome Chemical Inc.

Mr. Thor Ticknor, 414-744-3993

Edstrom Industries

Mr. Mike Patrick, 262-534-5181

HEI Consultants Inc., Keokuk, IA

Ms. Lori Seebold, 319-524-8273

World Environmental, Milwaukee, WI

Mr. Steve Stanek, 414-933-1700

Ziron Environmental Services, Inc.

Mr. Brian Ziron, 708-757-9601

Coleman Chemical Inc. Channahon, IL

Mr. Tom Taylor, 815-467-1777

Jensen Environmental Mgmt., Inc.

Muskego, WI

Mr. David E. Jensen, 414-422-9169

Cambridge Major Labs

Mr. Chris Goldbach, 262-251-5044

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Kandylee Schmit
Compliance Officer
Badger Disposal of Wisconsin, Inc.
5611 W. Hemlock Street
Milwaukee, Wisconsin 53223

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

3-16-07

C. Signature

X

C. Schmit

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy to)

7001 0320 0006 0202 5585



WID 988 580 056
12/20/07

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TTY 414-263-8713

RECEIVED
DEC 20 2007

Mr. Henry Krier
Badger Disposal of Wisconsin, Inc.
5611 West Hemlock Street
Milwaukee, WI 53223

FID# 241384000
HW/APP

SUBJECT: Construction Determination and License Modification Determination
Addition to Existing Hazardous Waste Storage Building
Badger Disposal of Wisconsin, Inc., WI, EPA ID# WID 988580056
5611 West Hemlock Street in Milwaukee, Wisconsin

Dear Mr. Krier:

The Department has completed the review of the report titled, "Review and Certification of Design Drawings & Specifications Badger Disposal Building Addition", which was prepared by Spectrum Engineering and submitted to the Department on November 9, 2007. The 6,000 square foot addition was constructed on the south side of the existing storage building at Badger Disposal of Wisconsin, Inc. located at 5611 West Hemlock Street in Milwaukee, Wisconsin. The Department received your letter dated November 20, 2007 certifying that the warehouse addition was constructed in substantial compliance with the approved FPOR. The Department performed a construction documentation inspection on December 4, 2007. Badger provided additional information regarding the modification request in a letter dated December 13, 2007.

Minor modifications were made during construction of the addition, including relocating the south service door; eliminating the west and north service doors; installing a containment curb and ramp to allow the segregation of waste acids and bases; and, modifying the container storage configuration. The November 9, 2007 modification request also includes a revision to the discrepancy procedures specified in the waste analysis plan; updated closure cost estimates for the facility and, revisions to Section 7 (Current Facility Operations) of the FPOR, the SPCC plan and contingency plan to reflect operations related to the storage of hazardous waste in the warehouse addition.

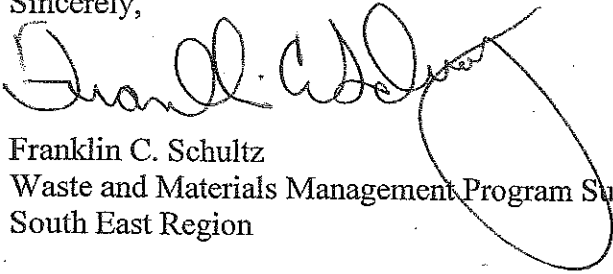
Based on review of the modification request, the construction documentation report and the findings of the construction documentation inspection, the Department has determined that the addition to the storage building was constructed in substantial conformance with the facility's Feasibility and Plan of Operation Report (FPOR) and the June 30, 2007 FPOR determination. With this letter, the Department is approving a modification to the hazardous waste container storage license to allow Badger Disposal of Wisconsin, Inc. to store an additional 492 55-gallon containers (27,060 gallons) of non-ignitable and non-reactive waste in the addition to the warehouse building.

This license modification must be kept with the feasibility and plan of operation report conditional

approval determination and the operating license.

If you have any questions or concerns, please contact Sandy Miller at (920) 746-2884.

Sincerely,

A handwritten signature in black ink, appearing to read "Franklin C. Schultz". The signature is fluid and cursive, with a large loop at the end.

Franklin C. Schultz
Waste and Materials Management Program Supervisor
South East Region

cc: Pat Chabot/Dave Kollasch - WA/3
Wen Huang - U.S. EPA Region 5
SER File

**BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**CLASS 1 LICENSE MODIFICATION
FINAL DETERMINATION**

**BADGER DISPOSAL OF WISCONSIN, INC.
EPA ID# WID988580056
FID# 241384000**

FINDINGS OF FACT

The Department finds that:

1. Badger Disposal of Wisconsin, Inc. (Badger Disposal) operates a hazardous waste storage and treatment facility at 5611 West Hemlock Street in Milwaukee, Wisconsin. The storage and treatment facility is owned by Badger Investment Realty, LLC.
2. On April 19, 1996, the Department conditionally approved the Feasibility and Plan of Operation Report (FPOR) for the EOG Disposal, Inc. facility located at 5611 West Hemlock Street in Milwaukee, Wisconsin. The conditional approval was for the storage of hazardous waste in an existing warehouse building and in several proposed units, including an addition to the existing warehouse building to be used for the storage of non-ignitable waste.
3. On June 17, 2003, the Department issued a conditional class 1 plan modification final determination to change the ownership of the facility located at 5611 West Hemlock Street to Badger Investment Realty, LLC. The name of the facility changed from EOG Disposal, Inc. to Badger Disposal of Wisconsin, Inc.
4. On March 17, 2006, Badger Disposal submitted a FPOR and requested the Department to re-issue a 10 year hazardous waste operating license. The FPOR included the proposed addition to the existing warehouse building to be used for the storage of 492 55-gallon containers or 27,060 gallons of non-ignitable hazardous waste.
5. In a letter dated September 26, 2006, Badger Disposal notified the Department of their intent to construct the proposed addition onto the existing warehouse building.
6. On October 10, 2006, the Department notified Badger Disposal that constructing the addition according to the approved FPOR would result in a Class 1 modification.
7. On June 29, 2007, the Department issued a final determination to conditionally approve the March 17, 2006 FPOR. The approval included conditions for the proposed storage of hazardous waste in the addition to the warehouse building.
8. In a letter dated August 1, 2007, the Department re-issued the storage license for the existing warehouse building and issued a treatment license for fuel blending to Badger Disposal. The storage and treatment licenses are effective for 10 years or until August 1, 2017.

9. In a letter dated November 9, 2007, Badger Disposal requested Department review of a Class 1 modification for the addition to the existing warehouse building. The submittal included revisions to the FPOR for the storage of non-ignitable, non-reactive waste in the warehouse addition. The submittal also included a professional engineer certification of design drawings and specifications by Spectrum Engineering; revisions to the facility's closure cost estimate and discrepancy procedures; and, minor changes to the design of the warehouse addition including the relocation of the south service door; the elimination of the west and north service doors; the construction of a containment curb and ramp to allow the segregation of waste acids and bases; and, modification of the container storage configuration.
10. In a letter dated November 20, 2007, Henry Krier, president, certified that the newly constructed warehouse addition was constructed in substantial compliance with the approved FPOR.
11. The Department conducted a construction documentation inspection on December 4, 2007.
12. On December 13, 2007, Badger Disposal submitted additional information related to the modification request.

CONCLUSIONS OF LAW

1. The Department has promulgated chs. NR 660 to 679, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ch. 291, Wis. Stats.
2. The Department has authority pursuant to s. 289.30(6), Wis. Stats., and s. NR 670.042(4)(b)1., Wis. Adm. Code, to approve a class 1 modification to a license or plan of operation.
3. In accordance with s. NR 670.042, Wis. Adm. Code, the Department concludes that the revisions described in Findings of Fact no. 9. requires a class 1 license modification.

DETERMINATION AND CONDITIONS OF APPROVAL


Based on the foregoing Findings of Fact and Conclusions of Law, the Department hereby approves the November 9, 2007 class 1 modification request under s. NR 670.042(4)(b)1., Wis. Adm. Code, and s. 289.30(6), Wis. Stats., and in accordance with the license and the most recent FPOR approval and the conditions set forth as follows:


1. The Department has the right to modify this determination and to require additional information at any time. Nothing in this conditional approval shall relieve the owner or operator of the legal obligation to comply with applicable federal, state and local requirements. Except as may be expressly provided below, no other terms or conditions of the FPOR approval or license, or any subsequent modifications thereto, are affected by this determination.
2. The licensee shall comply with all conditions of the FPOR approval and subsequent modifications, the requirements of ch. 291, Wis. Stats., chs. NR 660 through 679, Wis. Adm. Code.

3. Badger Disposal shall provide the Department with documentation that a notice of this modification was mailed to all interested parties within 90 calendar days of this approval, as required by NR 670.042(1)(a)2, Wis. Adm. Code.
4. The transfer of waste from containers stored in the warehouse addition to the tanker truck shall be limited to bulking operations associated with transportation of the waste. Containers in Storage Area A shall not be moved to Storage Area B during bulking operations.
5. Wastes stored in the warehouse addition shall not exhibit the reactivity or ignitibility characteristics.
6. Wastes that are incompatible with each other shall not be stored in the same Storage Area (A or B) of the warehouse addition.
7. The containers shall be stored in the warehouse addition in the configuration depicted on drawing 05490-D1 dated October 11, 2007.

Dated: December 20, 2007

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
FOR THE SECRETARY


Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region


Sandra Miller
Waste and Materials Management Specialist
Licensing and Policy Review Coordinator

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, ss. 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.



Wen Huang/R5/USEPA/US
02/20/2007 08:25 AM

To "Miller, Sandy J - DNR" <Sandy.Miller@Wisconsin.gov>
cc James Blough/R5/USEPA/US@EPA
bcc
Subject Re: Conversation with Kandy

Sandy, thank you for the information. I will make a change to the newly listed waste section.

Wen

"Miller, Sandy J - DNR" <Sandy.Miller@Wisconsin.gov>



"Miller, Sandy J - DNR"
<Sandy.Miller@Wisconsin.gov>
v>

To

02/16/2007 11:43 AM

Subject Conversation with Kandy

Wen - I just spoke with Kandy who said that when Badger contacted EPA they were advised not to seek a federal permit modification, but that they should rather wait and incorporate the K listings when they seek renewal of the permit.

Kandy said she did not believe that the k listed waste codes were ever stored at the site.

-----Original Message-----

From: Huang.Wen@epamail.epa.gov [mailto:Huang.Wen@epamail.epa.gov]
Sent: Thursday, February 15, 2007 4:26 PM
To: Miller, Sandy J - DNR
Cc: Blough.James@epamail.epa.gov
Subject: Re: One step closer...

Sandy,

If Badger never handled these K wastes before and after the effective dates of the newly listed wastes, we would consider this is the first time they request these wastes be included in their waste management system. I would modify the federal permit to allow them for handling these wastes without referencing the permit modification. There is no need for a permit modification request after issuance of the federal permit.

According to the 270.42(g), if Director fails to make one of the decisions specified by the 120th day after receipt of the modification request, Badger is automatically authorized to conduct the activities. Please contact Candylee to see whether or not a class 2 permit mod was processed, assuming Badger was conducting these K wastes activities at that time.

I hope I have clarified Badger's concern.

Wen

"Miller, Sandy J
- DNR"
<Sandy.Miller@Wisconsin.gov>

02/14/2007 05:35
PM

Wen Huang/R5/USEPA/US@EPA

James Blough/R5/USEPA/US@EPA

To

cc

Subject

One step closer...

From what I understand, Badger has not handled the new K listed wastes because they have not received federal approval. Should we check with Kandy?

Jim sent me the second draft of the permit - looks fine. I still need to modify/add some conditions in the State approval based on our discussions/e-mails. Still planning to put in the request to publish the public notice by Feb 28th. We need 2 weeks to work with the newspapers, so publication date would be around March 15th. Let me know when you clear stuff with your attorney's so I have your okay to proceed, hopefully before the 28th.

-----Original Message-----

From: Huang.Wen@epamail.epa.gov [mailto:Huang.Wen@epamail.epa.gov]
Sent: Wednesday, February 14, 2007 3:39 PM
To: Miller, Sandy J - DNR
Subject: RE: Good Morning Wen:

The federal draft permit covers K169,170, 171, 172, 174, and 175. I assume Badger has processed these waste codes in accordance with 270.42 (g) (i.e., processing a class 1 permit mod on or before the effective date and a class 2 or 3 permit mod request within 180 days of the effective date). If Badger has not done so in accordance with 270.42 (g), they are not allowed to handle them now and Badger could be in violations. They must, first discontinue handling these wastes and request a permit modification to allow handling of these wastes.

There is no conflict between IV.B.1.b and IV.B.2. IV.B.1.b is the requirements for Level 1 containers. If a container cannot meet the Level 1 requirements, then, it must meet the Level 2 requirements under IV.B.2.

It may be a little confusing. If you have further questions, please contact me or Jim.

Wen & Jim



"Miller, Sandy J - DNR"
<Sandy.Miller@Wisconsin.gov>
>

To
Subject RE: Good Morning Wen:

02/14/2007 01:18 PM

Wen - Kandy and I spoke about some of these last week when you were out. I'd like to add a few comments:

1. III.A. Wisconsin is not authorized for the K169, 170, 171, 172, 174 and 175 so they will need to be covered by the EPA permit. The Part A permit dated 3/3/06 includes these waste codes on page 5d in appendix A (lines 188, 189, 190-193). If these waste codes are included in the Part A of their submittal, can these waste codes be covered in this permit rather than their submitting another plan modification?

2. IV.B.1.b. states that containers with a design capacity greater than 0.46 cubic meters shall not be used in light material service. Yet IV.B.2 states the requirements for level 2 containers in light material service. Badger describes procedures where waste is stored and fuel blended in totes, which are over 200 gallons in size and in a 6,000 gallon tanker truck. These containers would be subject to the permit conditions in IV.B.2, and yet prohibited by condition IV.B.1.b. Should condition IV.B.1.b be deleted?

I hope this helps. Thanks for your prompt response.
Call if we need to discuss - 414-263-8675.
Sandy

-----Original Message-----

From: Huang.Wen@epamail.epa.gov [mailto:Huang.Wen@epamail.epa.gov]
Sent: Monday, February 12, 2007 9:27 AM
To: Kandylee Schmidt
Cc: Blough.James@epamail.epa.gov; Miller, Sandy J - DNR
Subject: Re: Good Morning Wen:

You may have got a different draft with a slightly different numbering system.

III.A Additional Hazardous Waste Numbers:

My understanding is these HW numbers have been authorized to the state. Therefore, they are included in the federal permit. You do not have to do anything.

IV.B.1.a "Clearly marked"

The intent is to differentiate different control levels for containers through visual inspection. A label on the drum is sufficient.

IV.B.1.b

This condition does not apply to your current operations, since your containers are less than 85 gallons. This condition allows you to increase your container capacity up to 122 gallons (i.e., operational flexibility) without modifying the federal permit. It is to your advantage.

Contact me, if you have further questions.

Wen Huang
(312) 886-6191

Kandylee Schmidt
<Kandy@BadgerDis
posal.com>

02/08/2007 09:19
AM

Wen Huang/R5/USEPA/US@EPA

Henry Krier
<Henry@BadgerDisposal.com>

To

cc

Subject

Good Morning Wen:

I know that I sent you an e-mail indicating that we did not have any questions regarding the draft, however, since then we have actually come up with two issues:

Section II - IIA. Additional Hazardous Waste Numbers

On May 6, 2003 Badger Disposal received a Class 1 Plan Modification Final Determination from the WIDNR that included acceptance of the waste codes you have listed in II.A - We paid a \$300 review fee at the time that we sent in the modification request. Are you indicating that it will be necessary for us to do this again?

III.B.1.a Could you please define "clearly marked"? Does that mean a label on the drums is sufficient?

III.B.1.b

This is confusing to us. Since Our level 1 containers only go up to 85 gallons how does this condition pertain?

I look forward to your response. Kandylee Schmit



February 6, 2007

Donald P. Gallo, Esq., P.E.
Direct Dial: 262-951-4555
dgallo@reinhardtllaw.com

**SENT BY EMAIL AND
FIRST CLASS MAIL**

Franklin C. Schultz, Waste Supervisor
Wisconsin Department of Natural Resources
2300 North Dr. Martin Luther King Jr. Drive
Milwaukee, WI 53212-0436

Dear Mr. Schultz:

Re: Badger Disposal Facility Compliance
Concerns

It was a pleasure to meet with you, Ms. Sandy Miller and Mr. John Melby yesterday afternoon to discuss EOG's liability concerns as both a tenant on adjacent property to Badger Disposal and as a historic customer of the Badger Disposal facility. We identified concerns for EOG's potential liability arising from non-compliance activities by Badger Disposal and non-compliant conditions which exist and which have existed at the Badger Disposal facility.

At the conclusion of our meeting, we agreed to prepare a letter stating and documenting these concerns. In addition, during our meeting, we discussed the upcoming February 11, 2007 date for the Department's approval of a second 6-month extension of Badger's hazardous waste treatment license for fuel blending operations. Please consider this letter as our written comment objecting to WDNR's granting this second 6-month extension to Badger Disposal's temporary treatment license based upon the continuing non-compliance activities noted herein.

Following, we have summarized the issues discussed in our meeting which we feel are violations and the appropriate federal regulatory citation(s), which have been corroborated with photographs provided by Mr. Powals to WDNR.

Issue (Violations)

EPA/DOT Regulations

Improper fence location	40 CFR 264.14(b)(2)(i & ii)*
Uncontrolled fence security	40 CFR 264.14(b)(2)(i & ii)
	40 CFR 264.14 (c)
Hundreds of Hazardous Waste Drums Stored Outdoors & Outside Containment on Numerous Occasions	40 CFR 264.176**
	40 CFR 264.193 (a)
	49 CFR Part 172
	49 CFR 173.28
	40 CFR 401.12(a), 125, 400
Hundreds of Hazardous Waste Drums Stored Outdoors Improperly labeled (<i>if</i> "empty")	40 CFR 264.176**
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Unauthorized Soils Excavation	40 CFR 264.193(a)
	Part B Permit
Contaminated Soils Excavation	40 CFR 264.193(a)
	40 CFR 264.196
	40 CFR 264.197
	Part B Permit
Inadequate Contaminated Soils Excavation Sampling and Analysis	40 CFR 264.196
	40 CFR 264.197
	Part B Permit
August 17, 2005 Fire	40 CFR 264.177
August 17, 2005 Fire verifying Release	40 CFR 264.193(a)
	See Badger Report
Inadequate Badger Personnel Experience & Training as additionally verified by aforementioned fire***	40 CFR 264.16(a)(2) & (b)
Inappropriate Mixing of Wastes as additionally verified by aforementioned fire	40 CFR 26.177(a)
Temporary Authorization for Fuel Blending	40 CFR 264.176**
Poor condition drums in 12.07.06 CAR Report	40 CFR 264.171
pH =1.0 material in steel drum in 12.07.06 CAR Report	40 CFR 164.172
Manifest discrepancies in 12.07.06 CAR Report	40 CFR 264.72
Aisle space violations in 12.07.06 CAR Report	40 CFR 264.35
Failure to include all waste codes in Operating Record in 12.07.06 CAR Report	40 CFR 264.73
Continuing Badger EPA ECHO Non-compliances Report	www.epa.gov/echo

Apr-Jun 05: In Viol, TSD-General Facility Standards
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* = Note that the fenceline requirement applies on the active portion of the TSD facility as the EPA regulation states. During our meeting it was stated, "what difference does 3 feet make?", referring to an area where empty drums which contained residual hazardous waste were stored. Actually, one fence is incorrectly positioned by approximately 5 feet and the other is incorrectly positioned by approximately 50 feet where it is attached to the Megal building.

** = Note that the "Comment" does not exclude Hazardous Waste, i.e. "dribble" on the sides of the containers, or, residues remaining on the top lids of containers, from the requirements of subpart I.

*** = Note that there are no degreed chemists or chemical engineers onsite at Badger; nor any licensed professionals or anyone with technical knowledge regarding the chemistry of the fuel blending activities of chemical wastes.

With these apparent environmental regulatory violations occurring either at the Badger property or on the adjacent property as a result of Badger activities, EOG is concerned that the WDNR will re-issue the temporary authorization for fuel blending to Badger which only serves to permit non-compliant conditions and activities to continue.

More than half of these regulatory violations have been confirmed by the EPA or the Department in CARs. One of the purposes of the federal 10-year Part B permit renewal review is to preclude those facilities which had over a year of continuing environmental non-compliances from continued operation. We are concerned that Badger will not submit a Temporary Authorization request for re-issuance of the treatment license for blending until Thursday (February 8) or Friday (February 9) leaving no time for consideration by WDNR of this comment and evaluation of the alleged violations.

Franklin C. Schultz, Waste Supervisor
February 6, 2007
Page 4

It is also of concern that Badger has been less than forthright in reports to the Department. Based on our discussions of February 5, 2007, it appears that:

- (a) Mr. Krier told Ms. Miller that the August 17, 2005 fire occurred in the concrete truckwell, not on the uncontained abraded asphalt on the East side of the Badger building. Note that it is our understanding that Mr. Krier was not onsite on the date that the fire occurred, and the actual written follow-up report discusses the fire department dealing with this fire outside the building on the asphalt pavement where EOG persons observed the fire.
- (b) Also, it appears that Badger did not inform WDNR about excavation of arguably contaminated soils in the runoff area; see photographs provided to WDNR by EOG.

Also, please see our comments in the attached letter to Mark Drews (WDNR) regarding the inappropriate and misleading soil sampling conducted by WDNR regarding the excavated soils in the runoff area. The sampled soils have been commingled, blended, diluted, aerated and the single discrete sample was not representative of the insitu soils prior to excavation. We are not aware of chain of custody documentation for this sample; this sample result has no credibility and is at best a false and misleading indication of the conditions which pre-existed the illegal excavation of these stormwater runoff and metals fire water runoff impacted soils.

Yours very truly,



Donald P. Gallo

Waukesha\48389DPG:SW

Encs.

Franklin C. Schultz, Waste Supervisor

February 6, 2007

Page 5

cc Ms. Sandy Miller (w/encs.) (via email)
Mr. Paul Little (w/encs.) (via email)
Mr. Wen Huang (w/encs.) (via email)
Mr. Michael C. Vilione (w/encs.) (via email)
Mr. Richard Powals (w/encs.) (via email)



February 6, 2007

Donald P. Gallo, Esq., P.E.
Direct Dial: 262-951-4555
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February 6, 2007

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Franklin C. Schultz, Waste Supervisor
February 6, 2007
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Donald P. Gallo

Waukesha\48389DPG:SW

Encs.

Franklin C. Schultz, Waste Supervisor

February 6, 2007

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February 6, 2007

Donald P. Gallo, Esq., P.E.
Direct Dial: 262-951-4555
dgallo@reinhardtllaw.com

Mr. Mark Drews
Wisconsin Department of Natural Resources
141 NW Barstow Street, Room 180
Waukesha, WI 53188

Dear Mr. Drews:

Re: Badger Disposal Facility

The purpose of this letter is to provide you with additional information regarding the concerns that our client, EOG Environmental ("EOG"), has with the neighboring property owners, Badger Disposal Facility ("Badger"), operations and activities. This is a hazardous waste fuel blending facility with a temporary treatment license.

These observations have been chronicled by the enclosed photos that have been taken of the Badger facility over the past few months. As you can see, they store their empty hazardous waste solvent drums outside, uncovered, and on pervious broken asphalt or bare ground. The photo from September 22, 2006 shows how the rain water pools underneath and near the palletized drum storage area which runs off into the soils on Badger property and property that EOG formerly leased.

Our client has had several concerns with Badger's improper storage and containment of arguably empty hazardous waste drums. Photos from September 29, 2006 show a backhoe improperly excavating potentially contaminated soils from this exact same runoff area without prior written approval of Corrective Action by the Wisconsin Department of Natural Resources ("WDNR") and without prior appropriate soil sampling. These soils were stockpiled on another portion of the site creating yet another potential RCRA Corrective Action area. EOG has raised these issues and several other non-compliant practices with the WDNR Waste Department which Frank Schultz addressed in a letter dated January 18, 2007 (attached) and again discussed

Mr. Mark Drews
February 6, 2007
Page 2

during a WDNR meeting Monday, February 5, 2007. We are writing to you because we understand that the stockpile was sampled by the Waste Department, and that they subsequently conferred with you to see if there are any Remediation and Redevelopment issues that need to be addressed. From the language on page 2 and 3 of Frank Schultz's letter, it appears that you reviewed the soil sampling data and did not require Corrective Action or further investigation of the site.

The WDNR Waste Department inappropriately sampled these soils. By using a trowel to grab a sample from the excavated, commingled, blended and aerated soil stockpile, unrepresentative of volatile organic compounds ("VOCs") that would have been present before the soils were excavated and aerated. We understand that the soils were analyzed for VOCs, PAHs, and metals, though it is indicated from the improper sampling techniques that the VOCs would have volatilized, reduced via blending, and were clearly unrepresentative of actual levels.

Since these drums stored hazardous waste solvents for fuel blending, VOCs are certainly more of a concern than PAHs, and great care should have been taken to use techniques to collect, isolate, and preserve these samples per current ASTM and SW-846 standards. We believe that the runoff has permeated soils on Badger's property as well as on the property that EOG formerly leased (which has subsequently been covered with asphalt). We are not comfortable with the current resolution of doing nothing more given the location, method, and sampling technique of the single non-representative sample and ask that you, in light of this information, reconsider your review of the misleading data generated and require further testing. The sampling would need to be performed on the property that EOG formerly leased, as the soils are capped with asphalt and are still undisturbed unlike those from the Badger property. If WDNR-R&R does not agree with this, EOG will request a General Liability Clarification Letter stating EOG's release from liability for past Badger activities including surface/stormwater run-off from this drum storage activity and from the firefighting water run-off from the August 17, 2005 metals fire in this drum storage area.

Mr. Mark Drews
February 6, 2007
Page 3

We would appreciate your insight and consideration into this matter.

Yours very truly,

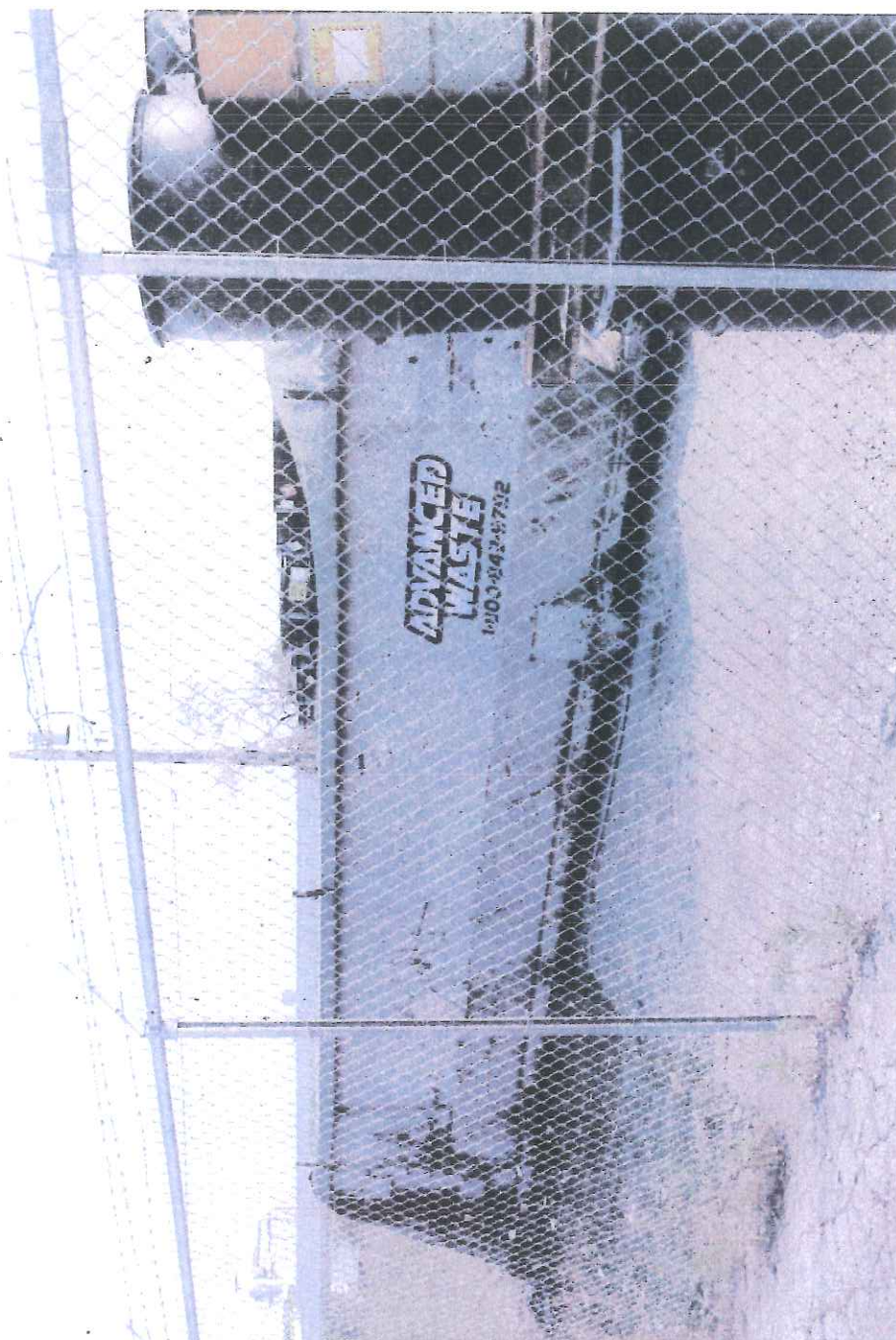
A handwritten signature in cursive script that reads "Donald P. Gallo". The signature is written in dark ink and is positioned above the printed name.

Donald P. Gallo

Waukesha\48360DPG:TMS

Encs.

cc Mr. John Melby (w/o encls.)
Mr. Frank Schultz (w/o encls.)
Ms. Sandy Miller (w/o encls.)
Mr. Michael C. Vilione (w/o encls.)
Mr. Richard Powals (w/o encls.)



8/1/2006
IMG_2274.JPG



8/1/2006
IMG_2282.JPG

HAZARDOUS WASTE

FEDERAL LAW PROHIBITS IMPROPER DISPOSAL
IF FOUND, CONTACT THE NEAREST POLICE OR PUBLIC SAFETY
AUTHORITY, OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY.

ACCUMULATION START DATE _____ EPA WASTE NO. _____

D.O.T. PROPER SHIPPING NAME _____

QTY. _____

U.N. OR H.A. ID. _____

GENERATOR NAME _____

ADDRESS _____

CITY _____ STATE _____

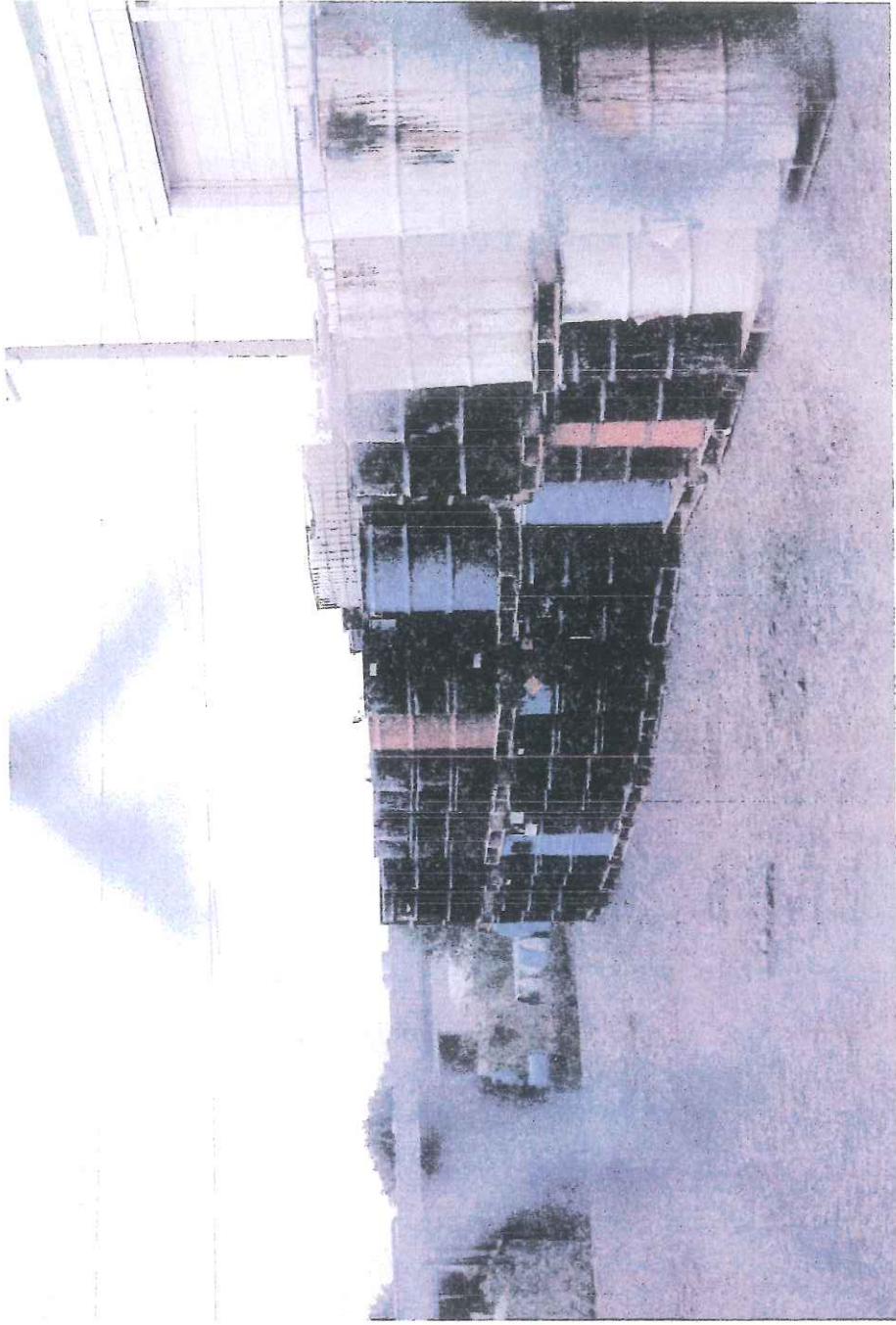
EPA ID NO. _____ MANIFEST DOCUMENT NO. **WIK 46393**

**HAZARDOUS WASTE
HANDLE WITH CARE**

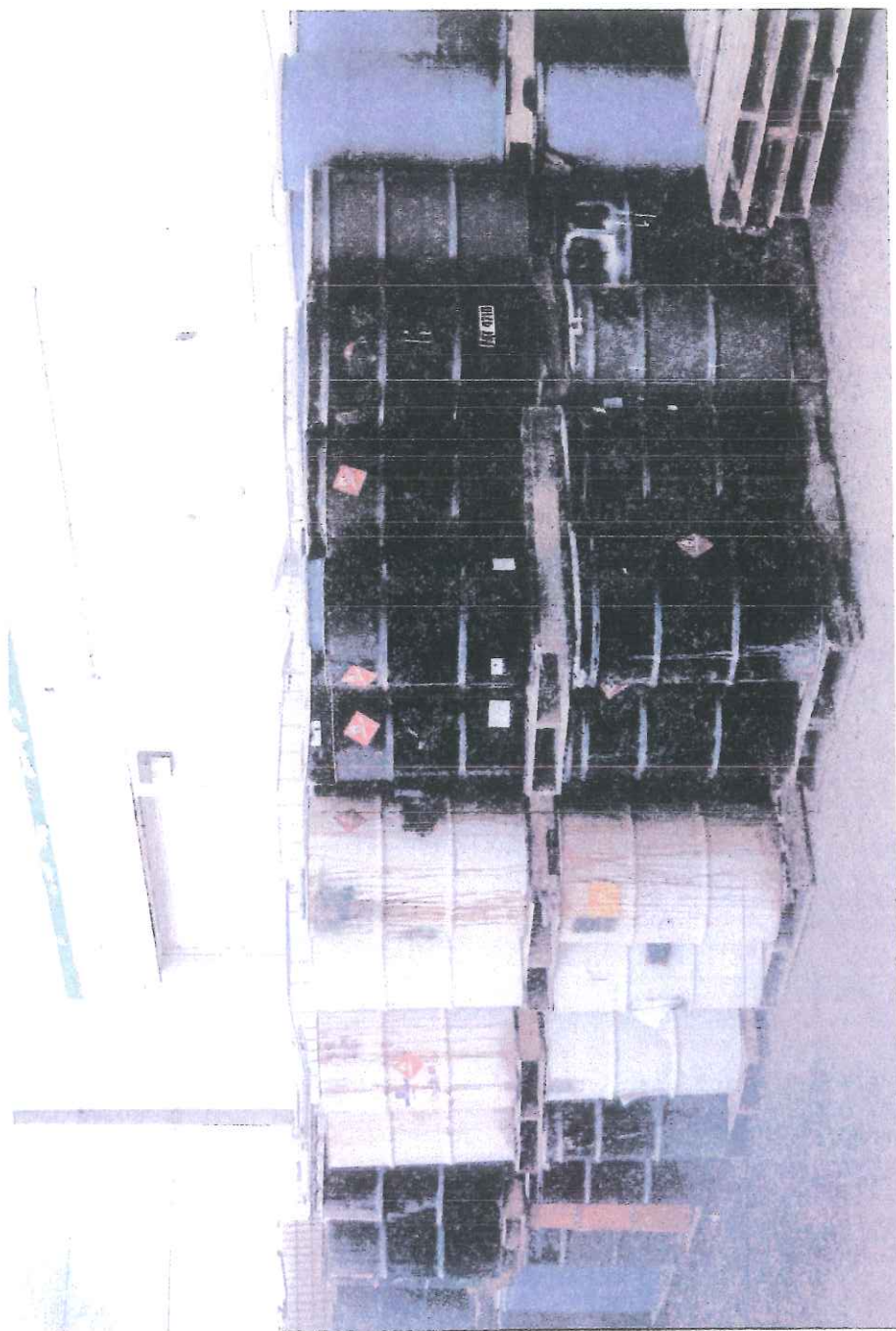
Revised 1/90



8/1/2006
IMG_2287.JPG



8/2/2006
IMG_2348.JPG



8/27/2006
IMG_2349.JPG



8/2/2006
IMG_2376.JPG



8/3/2006
IMG_2390.JPG



09/22/2006



09/22/2006



09/22/2006



09/22/2006



09/22/2006



09/22/2006



09/22/2006



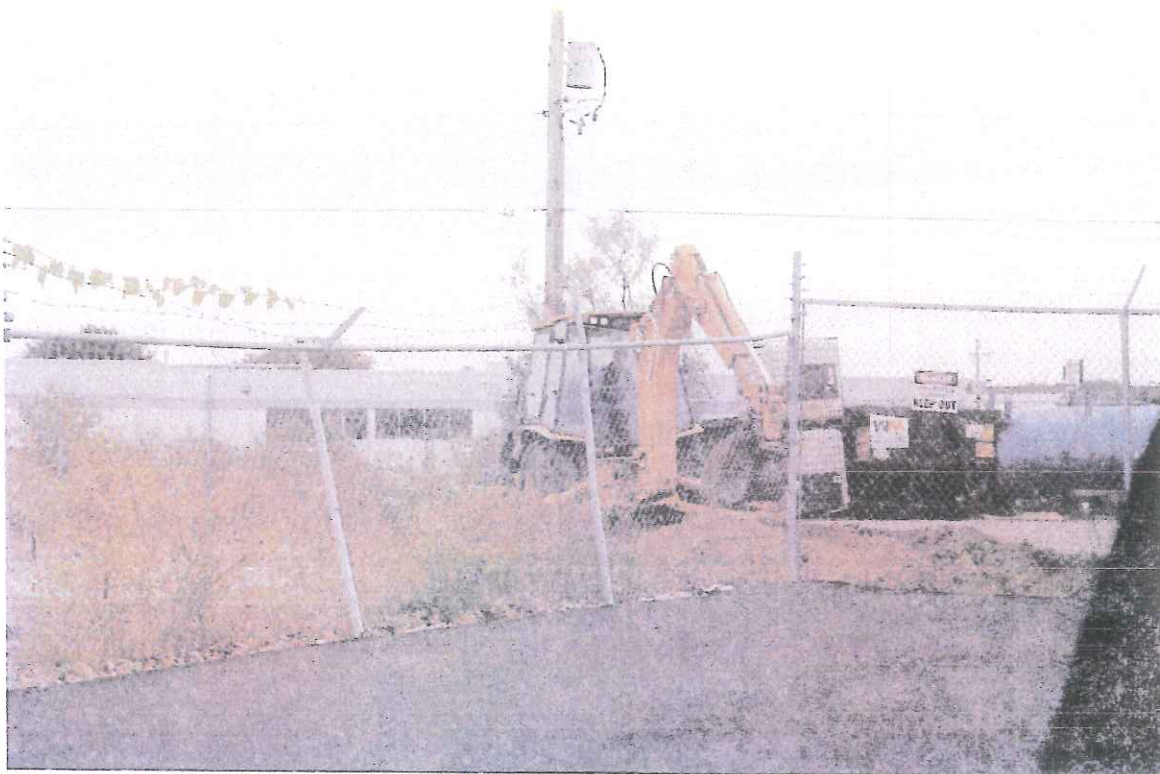
09/22/2006



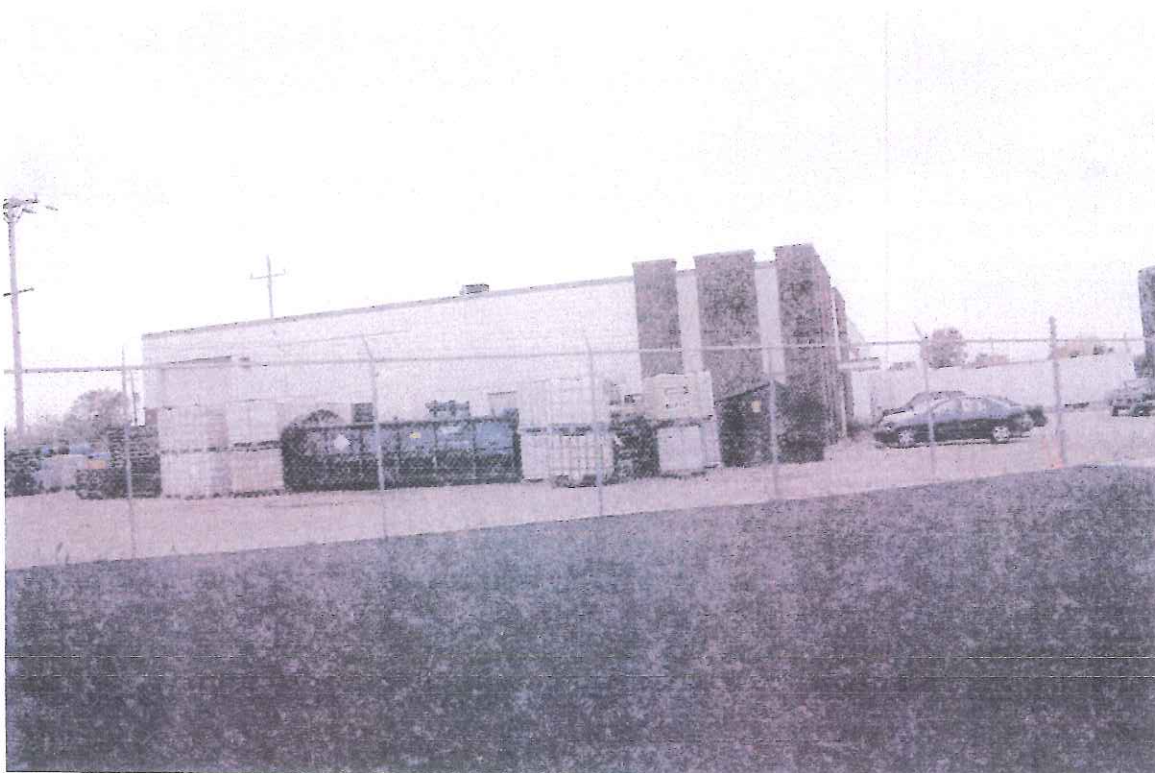
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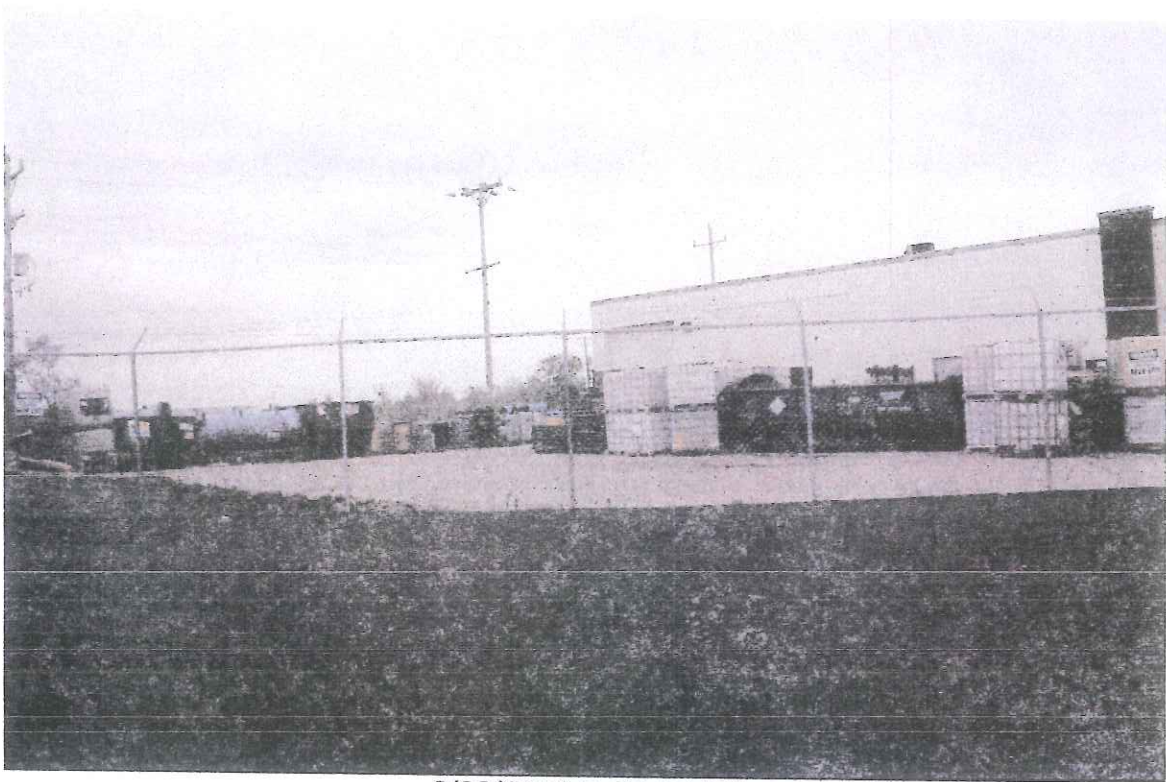
9/29/2006 9:17:02 AM



9/29/2006 9:17:19 AM



9/29/2006 9:17:43 AM



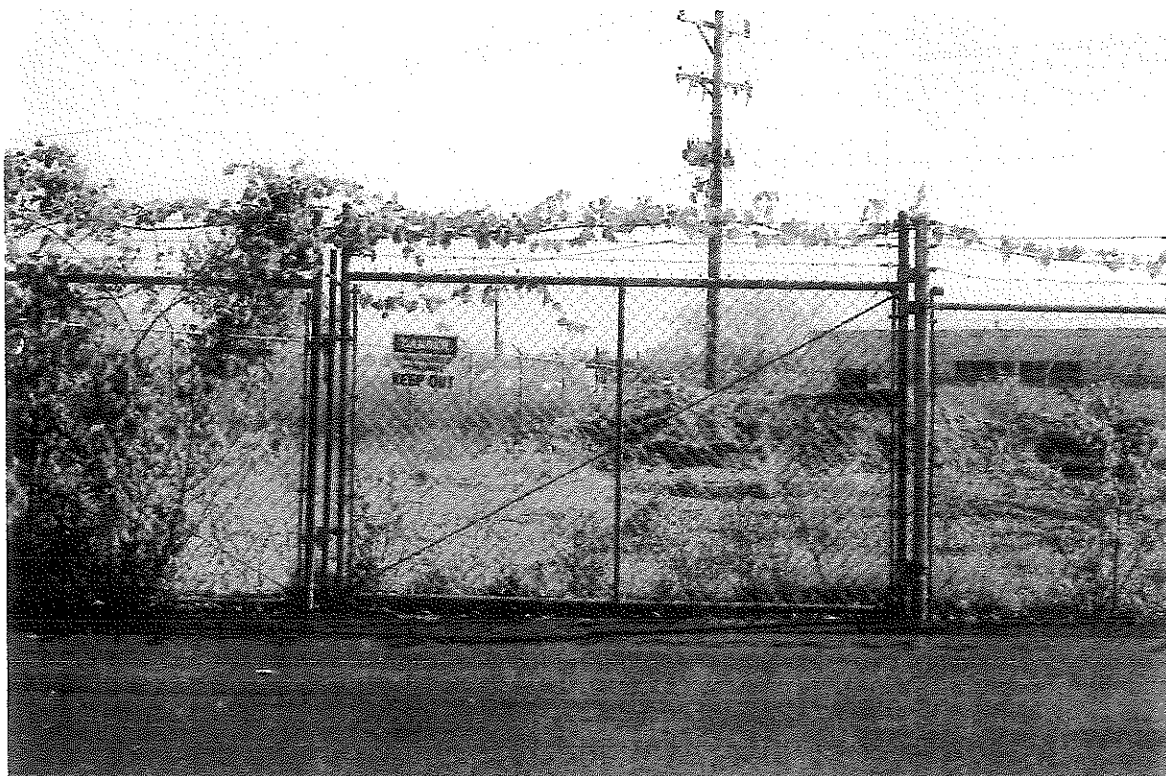
9/29/2006 9:17:47 AM



9/29/2006 9:17:53 AM



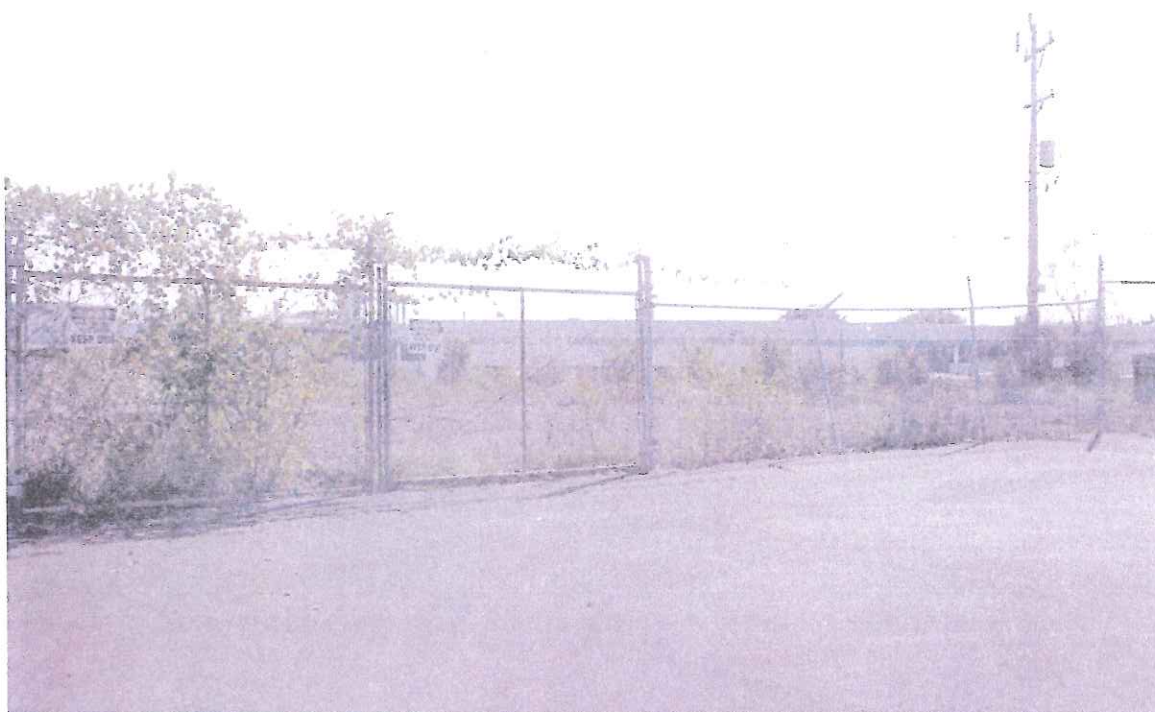
10/2/2006 1:45:54 PM



10/2/2006 1:45:58 PM



10/2/2006 1:44:34 PM



10/2/2006 1:44:38 PM



10/2/2006 1:45:14 PM



10/3/2006 2:04:47 PM



Badger Disposal
10/3/2006 4:59:49 PM



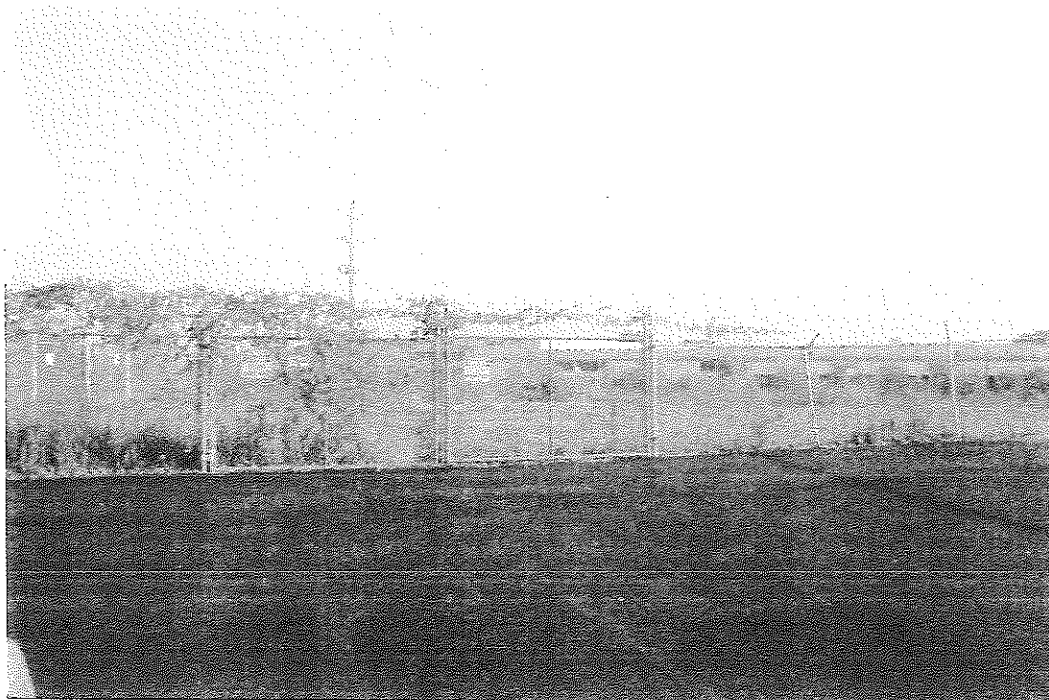
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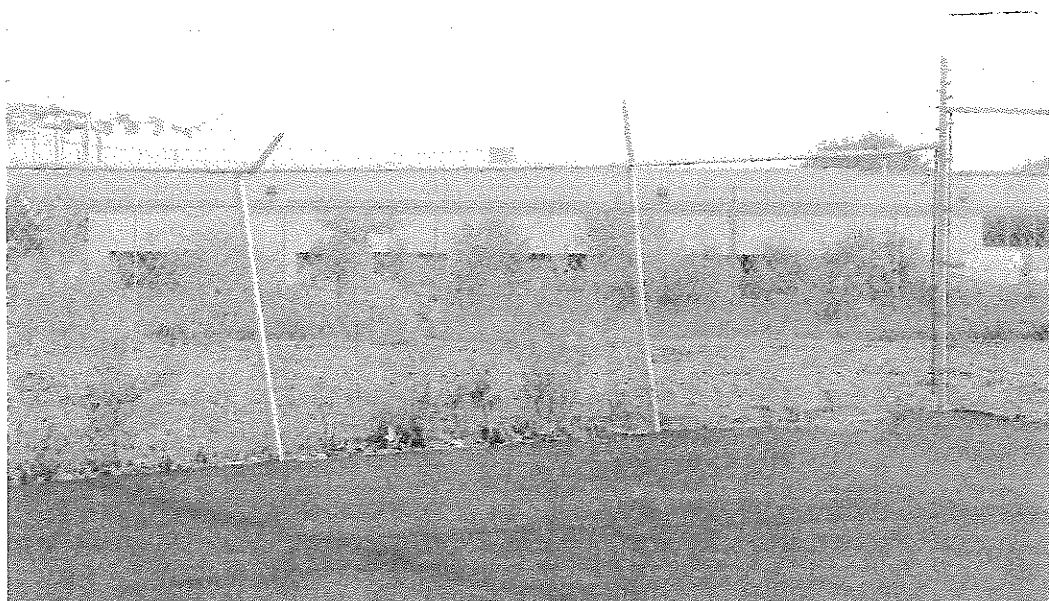
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10/3/2006 4:59:54 PM



Badger Disposal
10/3/2006 5:00:00 PM



Badger Disposal
10/3/2006 5:00:05 PM



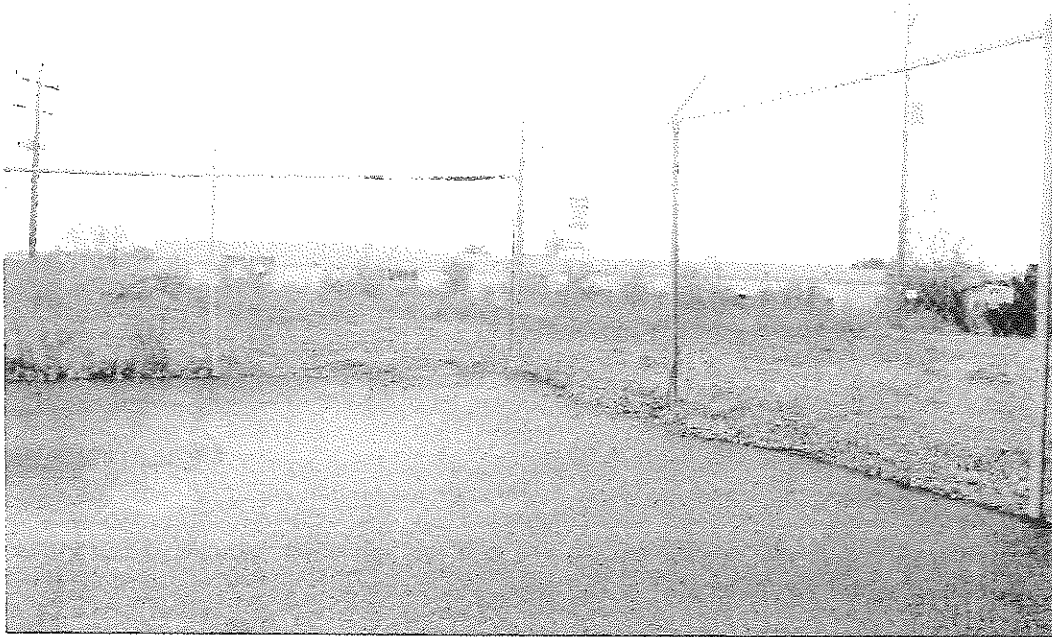
Badger Disposal
10/3/2006 5:00:08 PM



Badger Disposal
10/4/2006 12:36:32 PM



Badger Disposal
10/4/2006 12:36:53 PM



Badger Disposal
10/4/2006 12:37:03 PM



Badger Disposal
10/4/2006 12:37:09 PM



Badger Disposal
10/4/2006 12:37:24 PM



Badger Disposal
10/4/2006 12:40:31 PM



Wen Huang/R5/USEPA/US
01/18/2007 08:37 AM

To "Miller, Sandy J - DNR" <Sandy.Miller@Wisconsin.gov>
cc James Blough/R5/USEPA/US,
bcc
Subject Re: FW: Will Badger Disposal be a joint EPA/DNR public notice?

Sandy,

I would like to issue a joint permit with WDNR. Our process is more complicated because the draft permit has to go through our ORC for review. If I get an attorney who has worked with me in the past, it could go through much faster. Jim and I are planning to drive up there just to get ourselves familiar with the facility. For the next 2 months, I have to spend time in Ohio for some controversial facilities. I am not sure I have sufficient time to complete the draft permit sign-off within 30-45 days. And, I do not want to hold off your reissuance of the state permit.

We are undergoing another round of reorganization. My mail code has been changed from DW-8J to DU-7J for now. When the reorg is finalized, it would be changed again to RCRA Programs Section.

Regarding the newly listed wastes (K-174, 175, 176, 177, 178, and 181) since 2001, how many of those wastes have been authorized to the State?

Mr. Rick Powals has been contacting me for some issues which I believe your office has been handling. I told him that DNR is capable of dealing with any regulatory issues.

Thank you for keeping me in touch.

Wen

"Miller, Sandy J - DNR" <Sandy.Miller@Wisconsin.gov>



"Miller, Sandy J - DNR"
<Sandy.Miller@Wisconsin.gov>
v>

To

01/11/2007 08:29 AM

Subject FW: Will Badger Disposal be a joint EPA/DNR public notice?

Sorry, I forgot the attachments

-----Original Message-----

From: Miller, Sandy J - DNR

Sent: Thursday, January 11, 2007 7:43 AM

To: 'Huang.Wen@epamail.epa.gov'

Subject: Will Badger Disposal be a joint EPA/DNR public notice?

Thanks for getting back to me on the CC issues.

Will this be a joint public notice for Badger Disposal? We changed our licensing procedures when we re-wrote our rules. We are only issuing one public notice/radio announcement with a 45 day comment period, that being to announce that we've made a preliminary determination on their report, similar to EPA's notice of the draft permit. I'm still reviewing

the draft approval and fact sheet, but I anticipate being ready to public notice in about 30 to 45 days. I've attached a draft radio announcement and public notice that has joint EPA/DNR language in it. The other draft documents should be ready next week and I'll forward them to you for review. All of these documents still need to be reviewed by our program attorney.

About three years ago, Badger requested approval from EPA to include K174, K175, K169, K170, K171, K172 wastes into their storage permit. Based on information from Badger, I don't think EPA issued a response to their request. Our new rule package includes these waste types, but we are not currently authorized for them. Their Part A in the March 2006 FPOR includes these K-listed wastes. These waste codes probably need to be included with the CC issues in the Federal Permit?

Let me know if you want to do a joint public notice.

Thanks.
Sandy



Badger prel det pub not.doc Badger radio announce.doc



James Blough /R5/USEPA/US

To

Subject Fw: Badger

01/18/2007 08:57 AM

----- Forwarded by James Blough/R5/USEPA/US on 01/18/2007 08:57 AM -----

Jennifer

Dodds/R5/USEPA/US

01/18/2007 08:37 AM

To James Blough/R5/USEPA/US@EPA

cc

Subject Badger

Jim -

I am attaching the attorney assignment form and the demographic data that I had for the Badger Site. FYI - Based on the demographic data, Badger looked to be a potential EJ case.

At the time that I was assigned Badger, with Todd R., they were deciding whether to apply for their federal permit then, in 2003, or wait until they needed to renew with the state, which I believe would have been in 2004. After speaking with them, and Harriet, it was decided that they would wait until they renewed with the State to take care of the Fed portion of their permit. After that point, I was not really working too much on permits and did not hear from them again. Recently, I did hear from the attorney, Robert Guenther, wondering what was going on with the Site. I let him know what I told you and also let him know that I was no longer in the permitting section.

Hope that helps! If you need anything else or have further questions, just let me know.

Jennifer



Badger Laywer Assigned - 10-9-03.wpd EJ Demographic Data - 10-31-03.wpd

BEFORE THE
STATE OF WISCONSIN
NOTICE OF THE PRELIMINARY DETERMINATION TO
CONDITIONALLY APPROVE A FEASIBILITY AND PLAN OF OPERATION REPORT
FOR A HAZARDOUS WASTE STORAGE AND TREATMENT FACILITY AT
BADGER DISPOSAL OF WISCONSIN, INC., IN MILWAUKEE, WISCONSIN
EPA ID#: WID988580056

NOTICE IS HEREBY GIVEN, pursuant to ss. NR 670.404 and NR 670.410(1), Wis. Adm. Code, and s. 289.25(3), Stats., that the Department of Natural Resources (Department) and the United States Environmental Protection Agency (U.S. EPA) have made a preliminary determination that the Feasibility and Plan of Operation Report (FPOR) submitted for the re-issuance of an operating license for a hazardous waste storage facility at Badger Disposal of Wisconsin, Inc. is complete and technically adequate. The Department has made a preliminary determination to conditionally approve the FPOR and the U.S. EPA has made a preliminary determination to issue a federal permit. Badger Disposal of Wisconsin, Inc. (Badger Disposal) is located at 5611 West Hemlock Street in Milwaukee, Wisconsin. The preliminary determination also includes a conditional approval and a draft federal permit for the treatment of hazardous waste. The treatment activity is the fuel blending of hazardous waste which was previously exempt from the approval process.

The Department and U.S. EPA reviewed the FPOR to determine if there is a need to continue operating the hazardous waste storage and treatment facility, establish any conditions necessary for proper operation of the facility and determine how the facility will operate in accordance with the storage and treatment facility requirements stated in NR 660 to 679, Wis. Adm. Code. The facility is seeking to renew its current hazardous waste storage facility license which was issued December 16, 1996. The current license remains in effect until such time as the FPOR is approved or denied. The proposed license re-issuance is for the storage of 69,795 gallons of hazardous waste in containers and 61,000 gallons of hazardous waste in tanks. On August 23, 1996, the Department issued a recycling exemption approval to Badger Disposal for fuel blending operations. Due to the promulgation of new hazardous waste rules in Wisconsin, the fuel blending activities conducted at Badger Disposal are now subject to the treatment facility licensing requirements. Therefore, as a part of re-licensing, Badger Disposal will also receive a treatment license for the same fuel blending activities allowed by the August 23, 1996 Department approval. No major operational changes at the facility are being proposed.

An environmental assessment, completed January 25, 1996 when Badger Disposal of Wisconsin, Inc. (formerly known as EOG Disposal, Inc.) was going through the initial licensing process, concluded that licensing would not be a major action significantly affecting the quality of human health and the environment. Since the facility has operated without major incident and no expansion or operational changes are proposed in their FPOR, the Department has made a preliminary determination reaffirming the decision that an environmental impact statement is not needed under section 1.11 of the Wisconsin Statutes.

A copy of the FPOR, the Department's preliminary determination, the initial environmental assessment, the press release reaffirming the decision of the initial environmental assessment and a

fact sheet which summarizes information specific to the facility are available for public review at the following locations:

Department of Natural Resources
Southeast Region Headquarters
2300 N. Martin Luther King Drive
Milwaukee, Wisconsin

Mill Road Public Library
6431 North 76th Street
Milwaukee, Wisconsin

Pursuant to ss. 289.25(3), 289.26 and 1.11, Stats., the public is invited to submit written comments concerning the FPOR, the preliminary determination and the environmental assessment within 45 days from the date of publication of this notice or XXX, 2007. Written comments should be sent to: Sandy Miller, Wisconsin Department of Natural Resources, 2300 N. King Drive, Milwaukee, WI 53223 or sandy.miller@wisconsin.gov.

Any county, city, village or town, the applicant or any six (6) or more persons may file a written request for a public hearing to the Secretary of the Department of Natural Resources within 45 days of the date of publication of this notice. The request shall indicate the interests of the municipality or persons who file the request and state the reasons why a hearing is requested. If the request is granted, the hearing will be conducted as an informational hearing utilizing the procedures in s. NR 2.135, Wis. Adm. Code, unless the request filed indicates that the hearing is to be conducted as a contested case hearing, as provided by s. 289.27, Stats., and the request indicates that:

- (a) a substantial interest of the person or persons filing the request is injured in fact or threatened with injury by the Department's action or inaction;
- (b) the injury to the person requesting the hearing is different in kind or degree from injury to the general public caused by the Department's action or inaction; and
- (c) there is a dispute of material fact.

All hearing requests shall be filed with the Department within 45 days of the publication date of this notice either by delivery to the Office of the Secretary of the Department at 101 South Webster St., Madison, Wisconsin 53703, or by certified mail addressed to the Secretary, Department of Natural Resources, PO Box 7921, Madison, WI 53707-7921.

The U.S. EPA draft permit which addresses the storage and treatment of certain waste types and applicable organic air emissions from the hazardous waste storage and treatment units is available for public review at the U.S. EPA Region 5 office in Chicago, Illinois. Requests to view these materials and/or requests for additional information should be made by contacting Wen Huang at (312) 886-6191 or by writing to him at Waste Management Branch, DW-8J, U.S. EPA Region 5, 77 West Jackson Blvd, Chicago, IL 60604.

Written comments on the federal permit will be accepted by the U.S. EPA at the above address through XXX, 2007. Written comments and requests for a public hearing on the federal permit must meet the requirements of 40 CFR Sections 124.11 to 124.13, which are similar to the state procedures described previously. A request for a public hearing shall be in writing and state the nature of the issues to be addressed at the hearing. The U.S. EPA will send a Notice of Decision in

regard to the EPA permit to the facility owner/operator and any person who submitted public comments or requested notice of the final permit decision.

Comments received during the public comment period will be reviewed by the Department before making a final determination regarding the FPOR and by the U.S. EPA before making a final determination on the federal permit. The Department will prepare a response to all significant comments received on the FPOR and specify which provisions of the conditional approval were changed. The U.S. EPA will prepare a response to all significant comments received on the draft permit and specify which provisions of the draft permit were changed. The Department and U.S. EPA will also indicate whether additional documents have been included in their administrative records.

Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

Dated at Milwaukee, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
for the Secretary

Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region

1. This Class 1 Public Notice is to be published in 2 newspapers:

Wisconsin State Journal
1901 Fish Hatchery Road
Madison, WI 53713

Milwaukee Journal Sentinel
333 West State Street
Milwaukee, WI 53203

2. Date of Insert: XXXX, 2007

3. Charge Number

Checkbook	Org.	Appro.	Activity
274	WATC	2754	WAHL

4. Send Tear sheets to: Sandy Miller, DNR Milwaukee Office, 2300 N. King Drive, Milwaukee, WI 53212

Contact: Sandy Miller at 414.263.8675 or sandy.miller@wisconsin.gov



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TTY 414-263-8713

XXX, 2007

Mr. Mike Schuster
WFMR
4507 West McKinley
Milwaukee, WI 53208

File Ref: FID# 241384000
HW Lic
FAX COPY ONLY
(414) 978-9008

Subject: Radio Announcement
Preliminary Determination to Approve the
Feasibility and Plan of Operation Report for Re-licensing
Badger Disposal of Wisconsin, Inc.

Dear Mr. Schuster:

Badger Disposal of Wisconsin, Inc. at 5611 West Hemlock Street has an existing, licensed hazardous waste storage facility. A hazardous waste facility must renew their operating license every 10 years. Badger Disposal has submitted a Feasibility and Plan of Operation Report to the Department and the U.S. Environmental Protection Agency as a part of the re-licensing process. The Department and U.S. EPA has reviewed this material and has made a preliminary determination to approve the feasibility and plan of operation report with conditions.

The Department is requesting that the attached 90 second script be broadcast on your station once during the morning and evening drive time on XXXX, 2007. It is my understanding that the rate for each broadcast will be \$60.00, for a total of \$120.00. This radio announcement is intended to inform the public of the opportunity to review and provide comments on this project. Written confirmation of the broadcast of this announcement is requested by the Department to satisfy U.S. EPA requirements. The written confirmation and the bill for the broadcast can be mailed to Sandy Miller, WI DNR, Southeast Region Headquarters, 2300 N. King Drive, Milwaukee, WI 53212.

If you have any questions or would like additional information on the proposed re-licensing activity, please contact me at (414) 263-8675. Thank you for your assistance.

Sincerely,

Sandy Miller
Waste Management Specialist
Southeast Region Headquarters

PRELIMINARY DETERMINATION TO APPROVE A
FEASIBILITY AND PLAN OF OPERATION REPORT
BADGER DISPOSAL OF WISCONSIN, INC.
RADIO BROADCAST SCRIPT

Badger Disposal of Wisconsin, Inc. located at 5611 West Hemlock Drive in Milwaukee has submitted a Feasibility and Plan of Operation Report in order to renew their hazardous waste storage license for another 10 year period.

The Wisconsin Department of Natural Resources has made a preliminary determination to approve the report with conditions. The United States Environmental Protection Agency has made a preliminary determination to issue a federal permit.

The preliminary determination and other documents are available for review at the DNR office at 2300 N. Dr. Martin Luther King Jr Drive in Milwaukee and at the Mill Road public library located at 6431 North 76th Street in Milwaukee. EPA's administrative record is available for review at EPA's office located at 77 West Jackson Boulevard, Chicago, Illinois.

To obtain more information or submit written comments contact Sandy Miller by calling 414-263-8675 or write her at Wisconsin DNR, 2300 North Martin Luther King Jr Drive, Milwaukee, Wisconsin 53212. A request for a public hearing on the proposed approval should be either hand delivered or sent by certified mail to the Office of the Secretary, Wisconsin DNR, 101 South Webster Street, Madison, 53707.

For information on EPA's review contact Wen Huang by calling 312-886-6191 or write him at U.S. EPA Region 5, Waste Management Branch, DW-8J, 77 West Jackson Boulevard, Chicago, IL 60604

Written comments and public hearing requests must be submitted to the DNR or EPA by XXXX, 2007.

